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Quarterly Publication of the Historical and Philosophical Society of Ohio

Vol. XII, 1917, Nos. 2 & 3
APRIL-JUNE—JULY-SEPTEMBER

View of the President's Conduct Concerning the Conspiracy of 1806

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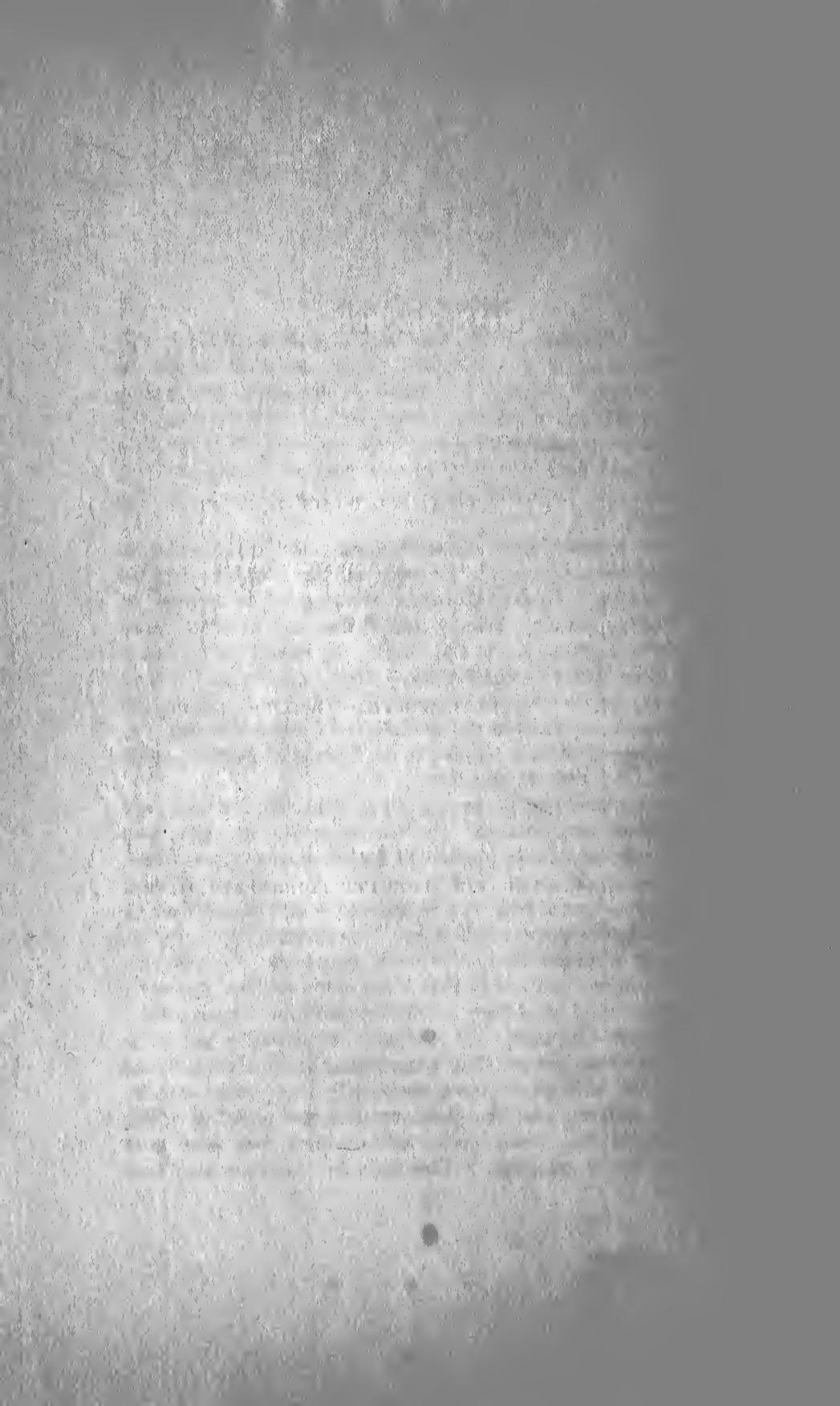
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INTRODUCTION.

Joseph Hamilton Daveiss was born in Bedford County, Virginia, March 4, 1774. Of mixed Scotch and Irish descent he blended the peculiarities of both stocks as modified by the existing pioneer conditions in the Blue Ridge section. When he was five years old the great tide of immigration caused by Virginia's favourable land laws of 1779 swept the Daveiss family over the mountains into the wilderness of Kentucky, near the present site of Danville.

"Field schools" were a post-Revolutionary achievement, so young Daveiss was taught by his pious, intelligent mother until the age of twelve." In the succeeding years under the tutelage of Drs. Brooks, Worley, Priestly and Culbertson, he made great progress in English, Latin, and Greek. In 1792, Daveiss joined Major John Adair's volunteer force which was occupied in protecting supplies destined for forts north of the Ohio. At the end of this service he entered the law office of George Nicholas. In 1795 he was admitted to practice in the District of Kentucky with an office, for a time, in Danville.

Here his rapid rise, for he speedily became a noted lawyer, was no fortuitous circumstance. He was an earnest, if not a deep student, very ambitious, assured of future greatness, and determined always to appear well in public. As evidence of these traits we may quote from one of the letters of Daveiss that are preserved in the Durrett Collection. This is dated September 10, 1798, and is addressed to a former schoolmate: "I will only tell you concerning myself; that I am more studious than ever heretofore. And in addition to History and Law, I have made a tour through Chemistry and Anatomy, and mean to go on to others; an Orator should have a smattering of all sciences in our nation; that he may use them occasionally and not be discomposed by pedants, who like great travelers, are proud of telling and shewing how many books and readings they have gone through: But my readings on Chemistry and Anatomy have been

of real utility; they extend and concentrate the uses of language as occasion may require the one or the other. I am not afraid of reading too far, but of accurately learning too far. I'll have a care. Division and distribution to a certain degree contribute to strengthen activity and capacity for action, but division beyond this dissipates strength and loses the proper affinity and cohesion. Exemplify a human body and an oration."

During the winter of 1801-02 he went to Washington to argue before the Supreme Court the celebrated case of *Mason vs. Wilson*, having been promised one half of the "Green River Country" if he could establish a claim to it. On this occasion his eloquent presentation of his case won the admiration of Chief Justice Marshall, who presided, and gave him a standing among the foremost lawyers of his profession. In 1803, Daveiss married Ann, sister of the Chief Justice. Both men were staunch Federalists at a time when Kentucky was strongly Republican and it is possible that Marshall saw in young Daveiss a saviour of the cause of Federalism in the western country. Certainly the political bias of Daveiss will explain much of the bitterness against Jefferson that he shows in the following pages.

During the years 1805 and 1806 the Burr Conspiracy engrossed his attention. His own treatment at the hands of the chief executive led him to publish the bitter pamphlet that is herewith reprinted. In connection with the "Western World," a sheet that devoted itself to reviving and intensifying the rancorous partisanship of the earlier "Spanish Conspiracy," we may regard the "View" as an attempt to build up a Federalist following in the West. If so, the attempt was a complete failure. Perhaps Daveiss may have been inspired by the attempt of John Randolph and the "Quids," to disrupt the Jeffersonian following, but he apparently had no more success in Kentucky than that leader met with in Virginia. It does not appear from evidence at hand that Daveiss had any close connection with Randolph.

During the years 1803-1806 Daveiss made Yellow Banks his home, but in 1807 he removed to Lexington. During the next four years he was engaged in every important case before the courts, but he gained little political influence for his activity in connection with the Burr Conspiracy had turned the great weight of public opinion against him.

Always athirst for military fame, in the fall of 1811, he volunteered to serve in the Kentucky militia under Governor Harrison. Here too he met with even greater misfortune than marked the Burr expose, for in the Battle of Tippecanoe the brave Kentuckian, the audacious backwoodsman, who had been undaunted by the polished armor of a Burr and a Clay and even the official dignity of a Jefferson, was cut off by an Indian's bullet. The sword which Daveiss wore on that occasion is preserved in a vault in the Masonic Widows and Orphans Home in Louisville. Judge Levi Todd, a friend and pupil of the great lawyer, presented it to the Grand Lodge of Masons, of which Daveiss was Grand Master at his death.

Judge Lucius P. Little, of Owensboro, (formerly Yellow Banks), Kentucky, is personally acquainted with many of the Daveiss family now scattered throughout the state. In a recent letter to the editors, he wrote: "Daveiss was a great lawyer, and a brave soldier, a thorough patriot, and would have written his name on the brightest pages of his country's history, had he not been stricken down by an unrelenting fate." It is only fair to add that many of the contemporaries of Daveiss do not share this admiration. For instance, James Morrison speaks of the 'View' as inspired by 'malice and deep-rooted hatred of the President,' as well as of Wilkinson. Morrison was an intimate friend of Wilkinson, so this characterization is not surprising. General James Taylor, whose manuscript 'Autobiography' is in the Durrett Collection, represents Daveiss as a bullying swash-buckler who was bound to fight him (Taylor) or General Thomas Sandford because Jefferson had removed him from office. In both cases the challenge of Daveiss met with a farcical response. On the other hand Henry Clay, according to the personal testimony of Mrs. Maria Thompson Daveiss, (History of Mercer and Boyle Counties, Durrett Collection), held Daveiss in high regard, although at the Burr hearing in Frankfort they were bitter opponents.

The pamphlet of which this is a reprint was owned by J. M. Stevenson, and the bracketings and marginal notes are probably his. Daveiss omitted from his pamphlet the names of those whom he suspected of disloyalty, but they have been supplied from his original letters, found in the Jefferson Papers in the Library of Congress. The photostat copies were procured through the kind-

ness of Dr. J. F. Jamieson, of the Bureau of Historical Research of the Carnegie Institution.

The punctuation, as well as the order of words, in the original letters varies in many instances from that in the pamphlet, but the meaning is not altered. The capitalization of nouns such as "Silence" and "Treason" and the abbreviation of titles is common throughout the original letters, but we have followed the text of the pamphlet.

The editors desire to thank Miss L. Belle Hamlin and Captain Alfred Pirtle for the assistance they rendered in the preparation of this work.

I. J. C.

H. A. S.

A
V I E W
of the
PRESIDENT'S CONDUCT,
CONCERNING THE CONSPIRACY OF

1806.

BY J. H. DAVEISS,
LATE ATTORNEY OF THE UNITED STATES, FOR KENTUCKY

FRANKFORT, KENTUCKY:
From the Press of Joseph M. Street.

—:—

1807.

A V I E W , & c .

TO THE PEOPLE.

THE active, though unsuccessful part, I have lately taken, in arresting Mr. Burr's enterprise, and the public disapprobation excited against me, on account of it, renders the President's removal of me from the office of Attorney for Kentucky,¹ somewhat remarkable; an office very trivial, you know, as to its emoluments—and one, which I should not have held at any time since I left Frankfort, but with the view of terminating the suits commenced by me against delinquent collectors, through whom the government is likely to loose a vast sum of money. But my removal from it, after the recent course of events, presents a suspicion injurious to my honor, which in these pages I shall refute; and unless I deceive myself, will show you, that the president of the United States, needs a vindication more than I, having acted with as much negligence and insincerity towards this nation, as he has towards me. You have seen his late communication to congress, on the subject of the conspiracy; a communication on which it is very difficult for me to speak, without forgetting the decorum proper to be observed toward the president of the United States. I have no allusion to the obliquity thrown out respecting the proceedings, in Kentucky, against Burr. I point at the *verity* of the report, and the vigilant and faithful conduct, which is stated to have been pursued by the government.

Before, however, I proceed to lay before you the papers elucidating these transactions, indulge me while I give a brief sketch of the political situation of the Western Country, prior to the year 1806, as far as it may come within the scope of the present subject.

SKETCH OF OUR POLITICAL HISTORY.

SPAIN became our ally in the war with Great Britain, in the summer 1779; but without acknowledging our independence.

¹ Daveiss had been appointed by Adams, at the suggestion of Chief Justice Marshall. He was removed from office early in the spring of 1807 by Jefferson.—*Autobiography of James Taylor, Durrett Papers, University of Chicago.*

We were grateful; for whether she directly strengthened us or not, she assisted in weakening and annoying our adversary.

Events, however, soon evinced that Spain played the game for herself, without regarding her partner, farther than her own interest made it necessary to do so.

Before the close of the year 1799 [1779], she took the country of Florida, having already the other possessions on the Mississippi, which she held till [4] lately. As I write altogether from memory, without the aid of books or documents, I beg to be excused for any mistake in immaterial particulars.

The extent of the territories annexed to all these several settlements and posts, like those we have obtained from France, was not ascertained: so Spain formed the project of making as much of her good fortune as possible.

At the treaty of Paris, the ministers of Spain and France insisted very strenuously, that our independence should be dated from that treaty, and not from the date of our own declaration. This was opposed with great energy and ability by one² of the American ministers, there being only two there at that time. The ministers of Spain and France then changed their ground, to sound those of the United States upon the subject of boundary; and urged that our western boundary should be a line from the mouth of Kanhawa along the Appalachian, and thence to the sea at the mouth of (I think) St. Mary's river.³ This was opposed in like manner as the former. When Mr. Adams arrived, he joined Mr. Jay; and Dr. Franklin's opinion was overruled.

I have been assured that our government never could understand, why this very earnest effort was made about the date of our independence; but, in my opinion, a knowledge of our *Secret History* furnishes a very satisfactory solution of the difficulty.

Spain wished to claim the Ohio country or part of it. Had the question concerning independence been settled as she wished, she could then have had colour to urge the point about boundary. Had she carried the question about boundary, her object would have been attained. Indeed her true motive in this dispute about independence, seems indicated by her proposition about boundary.

² John Jay.

³ See McLoughlin, *Confederation and Constitution (Am. Nat.) X, Chap. II*, for boundaries as decided.

Boundary was the *only* object: the date of independence was only a mean used to arrive at that subject. Whether France had any view of her own, or only joined in urging the matter to befriend Spain, I cannot say. She had acknowledged our independence when she joined us. I note this transaction to shew you, that so early as the date of our national existence, Spain had her eye on this country; and though she failed in both her points at Paris, yet she did not abandon the project, but has continually since been devising means of effectuating it.

Between 1783 and 1786, we do not know what intrigues were carried on by the Spanish government, in relation to this subject. But about the year 1786, General Wilkinson made a trip to New Orleans.⁴ Being a man of address, he soon made the governor believe that a little prudence and good management, would insure the country. The appearance of so elegant a gentleman and a general, was very promising; and it was confidently expected that he would bring with him the whole community—an idea easily caught by the subjects of an absolute monarchy, where the power and influence of a man of note are so great. Wilkinson had a pension settled upon him; and from this time a correspondence was regularly kept up between this country and the Spaniards.

An incident, the like of which often happens and passes unobserved, turned out very unfortunate for the fraternal relations between us and our Eastern brethren; and gave Spain and her adherents among us great hopes. I allude to Mr. Jay's proposition, to cede the Mississippi for a period between fifteen and twenty-five years.⁵ (The story with us was twenty-five years absolutely; and I am told it was so stated by Mr. James [5] Innis: but the fact is not so. I have seen an original duplicate of the papers laid before congress.)

This was cried about as the workings of Eastern jealousy, and an attempt to smother us. It was handled in so masterly a manner, that the whole body of the people held the point so clear, as neither to require nor admit any explanation. It was of no avail that the minister had only stated this in private to our own councils, and

⁴See W. R. Shepherd—"Wilkinson and the Beginning of Spanish Conspiracy."—*Amer. Hist., Rev.* Vol. IX, 490 *et seq.*, and 748-766.

⁵ *Secret Journals of Congress*, Aug. 28, 1786, IV, 81f.

had stated our national condition to be such as in his judgment compelled us to temporise, or submit to be bullied. It was in vain that the councils of the nation had overruled the minister's judgment: It was in vain that this very minister, three years before, had declared at the treaty of Paris, that war should unpeople the land, ere we should accept a boundary short of this river. The *proposal* of the minister, not the doings of the government, was the subject for us; nor did our knowing men ever let us farther into the matter, or know anything more of it. No subject was ever so much bandied, and so little understood, (not even excepting the *common law* during the reign of terror.) So rare are those patriots who tell the people the truth.

I note this the more carefully, that by retrospect, you may see how carefully public error and public folly have been nursed.

I wholly disapprove that minister's proposal: but nothing appears to me so utterly stupid, as suspecting him of local influence or unworthy motives. What *rivalship* did Kentucky present, in 1786, to the Atlantic states? What *rivalship* does she and all the Ohio country *now present*, when the twenty-five years, (the utmost limit) are almost expired? Just as much as Lexington does to New York: And here I leave unobserved altogether, our *unexpected and wonderful* growth. I would as soon suspect Dr. Franklin of treachery, for assenting that this river and all its country should be given up at the treaty of Paris.

If there were ten Mississippis, the Atlantic people would pray that there might be an eleventh one added. A vast portion of their citizens do, and must live by the carrying trade.

A great deal of our heat and violence all over America, proceeds from our ignorance of each other's situations.

In this last paragraph, I digress to submit a correction of what I deem a public error, as to a measure, and as to a citizen. I now return to my sketch.

We cried out vehemently for the navigation of the river: Our congress did their utmost to obtain it; but failed, altho' abundantly stimulated by abuse. In process of time, having applied for and obtained the assent of Virginia to a separation, we applied to congress. Then comes the scene that might have explained the whole

affair to our Eastern brethren, if they had inquired and attended to it. Congress said they would not admit us as a state into the expiring *confederation*, which would now cease and give place to the new constitution in a few months; but they were clearly and decidedly of opinion, that we ought to be admitted, whenever the new constitution took effect.

Our only representative in congress then, was one of our genuine republicans.⁶ This did not suit him at all. The period of admission was soon enough for any purpose. Its prospect was wholly certain; but the true reason of pressing the point home *then*, was a supreme one, but must by no means be given. I'll tell you what it was. *If we had been admitted as a state, we must have had a convention of our own to ratify, or reject the constitution. It was positively [6] certain that we would have rejected it.*

[sic]

(There were but two votes for ratifying it, from this country in Virginia convention.⁷) Then came the happy moment, so devoutly to be wished, and so earnestly sought for, by Spain, and our own leading men. We were a separate sovereign power, having a right to contract our own alliances, and could be married to Spain without asking leave of any one.

I aver that this man proceeded to settle with Gardoque [i],⁸ the minister, the *terms* between Spain and us, in the event of our declaring ourselves independent; and then used every effort in his power, by writing letters, conversing, and in the convention here, to carry this object. But our *evil* genius stood near and dashed the plan. I have no doubt that a more corrupt transaction than this, never took place in any country.

Now mark what follows: One of this man's letters was published. The people got a general idea of his conduct, though its detail was concealed. A new election came on. This man had

⁶Honorable John Brown, of Danville. He was born near Stanton, Va., Sept. 12, 1757, and died at Frankfort, Aug. 28, 1837. Chosen as delegate to Congress Oct. 31, 1787. See Va. Calendar of State Papers, Vol. IV, 504. He conspired with Gardoqui for the separation of Kentucky. See Green—"Spanish Conspiracy," 159-161.

⁷Three members of Kentucky voted for it, Rice Bullock, Robert Breckinridge and Humphrey Marshall. See Green—"The Spanish Conspiracy," 143. Also "Debates and Other Proceedings of the Convention of Va., 1788," p. 215.

⁸Gardoqui, *encargado de negocios* of his Catholic Majesty, who arrived in Philadelphia 1785, to make a treaty with the United States.

greater efforts made for him throughout the country, and he carried his election by a greater majority, and with more triumph and eclat, than ever such a poll was carried in this country. And any man who denounced this flagitious behaviour, was pursued and hunted down with mortal hate and fury. You may guess how it was, when you see what flashes and explosions it produced, when a newspaper attempted this subject last year, though in a very irregular and disconnected manner.

Don't imagine that anything here said, is with personal view;—far from it. That man has fallen long since to the point above which he ought never to have been elevated. I speak to show you what the state of public mind was, in relation to the Spanish politics.

Let us hear it no more asserted, that it was an affair, devised by a few men only. It is a gross and willful misrepresentation. I do not believe there was one man of note throughout the country, who did not know of it. Several abhorred it—but who dare rouse the Lion? The government had but little information. The scheme then failed; but mark, countrymen—these patriots have composed the hierarchy of powers; and the real effective functions of government have remained with them, or their favorites, ever since. Those who then opposed them, have been indebted to their prudent neutrality, ever since, for their peace and pre-ferment, of which they have only been in possession by courtesy.

The present constitution was opposed most bitterly in Kentucky. It was a death blow to that scheme, which I have no doubt would long ere now have been consummated under the confederation. In the spring 1789, just when the new constitution took effect, a very elevated citizen sent a secret express by water to Governor Gayoso,⁹ to prevent the spirit of the Spaniard from languishing under the idea, that all was lost. The precise contents of these dispatches I do not know;—they were sent with great haste and great secrecy. That hatred and enmity to the administration of the government which followed the new constitution, was easily accounted for, by such as understood our *secret history*. I do not pretend that all opposition flowed from this source. You know from how many different springs, a correspondence of sentiments may proceed. Some thought the government too strong;

⁹ Don Manuel Gayoso de Lemos, Spanish governor of Louisiana, and West Florida, 1797-1799. He was a bosom friend of Wilkinson.

some could not see or understand its necessity ; others again, were very anxious to build their popularity on their success in fomenting public dislike, which had been produced first by the [7] efforts of these *Spanish patriots*. Thence the fury with which every measure of the general government was assailed.

Then came the democratic society at Lexington;¹⁰ some of whose *precious* labours and writings you have lately seen. It is my sincere belief that this was the most abominable Jacobin Club, that ever sat on this side the Atlantic ; and of the most poisonous tendency.

One of its grand focal points, was to bring public mind to bear on this hypothesis : "that the Atlantic interest and ours were at "variance, and with a view to oppress us, and raise themselves, "they were insincere in their endeavors for the Mississippi."

This at length became so well ingrafted, that whoever dared to doubt of it, was considered as no real friend of ours ; but a favourer of our adversaries. The federal government had nearly become a foreign government to us.

We became impatient of the delays, in getting the river : We thought the matter unsafe in the hands of our minister at Madrid, being an Atlantic gentleman ;—so we sent a minister of our own privately to make a treaty, not for the nation but for us.¹¹ Whatever was the intention of this measure, it undoubtedly was, if it had taken, the deepest stroke at our union that ever was made since the effort to get us into the old confederation, while the new constitution was under consideration.

See how the thing would have worked. We make a treaty with Spain, that we shall trade freely to her Mississippi possessions without duty ;—and as Spain gives this by the way of *whore's fee*, we are to expect it to be extended to us with the most alluring appendages. Well—we have got this treaty. It is in-

¹⁰ In Aug., 1793, the Democratic Society was organized in Lexington, for the purpose of wresting the Mississippi from Spain, thru intrigues with the French.—*Marshall, II, 91.* John Breckenridge was the president of the society.—*Green, "Spanish Conspiracy," 143.*

¹¹ In the spring of 1798, Judge Sebastian visited New Orleans and was requested by the Spanish governor, Gayoso, to have agents chosen by the people of Kentucky to adjust the matter of separation. See forthcoming publication of I. J. Cox, "*The West Florida Controversy,*" 49, 56. Details of the mission are given in *sumamente reservado* of Gayoso to the Prince of Peace, June 5, 1798, Legajo, 43, Papeles de Cuba.

tended, as it said, to lay it before the President for approbation. Now does any sober man really imagine, that the President would receive otherwise than with the utmost indignation and contempt, a paper of this kind, coming to him from a private junto? Would he not command the law officers to prosecute those concerned in it, if the law would reach them?

He would condemn *it*, and order our minister at Madrid to proceed to make a treaty of this advantageous kind, in behalf of and by the authority of the nation.—What follows?—Even this—that Spain will absolutely refuse to extend to the *nation*, the particular grace and favour, which she intended toward one of the sisters, as the *premium pudoris*,—as the price of her prostitution. So the minister at Madrid wholly fails to get this treaty. Then how would these patriots speak? “Behold countrymen what a “false and treacherous administration! We always told you they “played us false concerning the Mississippi. Now it is proved be-“yond a doubt. See here we made a treaty obtaining all we “wanted. The government would not agree to that. None would “do but their own work; and the event is as we foretold:—nothing “is done, and the blessings we had secured let go.”

I have no doubt in saying, that it would have been at great personal hazard, that any man would have dared to stand forth and condemn you and your treaty, and tell you the truth.

This project failed by the conclusion of a treaty at Madrid. But when the ministers come to know how they missed their mark by that treaty, they hoped the case was not yet desperate; and tried the \$100,000 project, of which you have lately heard.¹²

The sum and conclusion of the whole matter is this:—You countrymen [8] of Kentucky, you are the cause, and the sole cause, why you have suffered for the want of commerce as you have. You have rent Heaven with your cries of grievance and of execration of Atlantic influence; but the influence which withheld the river, came out of Kentucky only. If you had plucked out your right eye, you would have escaped the danger, which has

¹² Baron de Carondelet, commander-in-chief and governor of the provinces of West Florida and Louisiana, 1791-1797, was to pay Innis, Nicholas Murray and Sebastian for devoting their time and talents to a separation of the western States.—*Marshall, II, 220.* See also forthcoming publication of I. J. Cox, “*The West Florida Controversy*,” 46. Also letter from Morrison to Wilkinson, Sept. 9, 1807, given in the Wilkinson Papers III, Chicago Historical Society.

hung over you for five and twenty years, of being cast into Hell whole and unmaimed.

You have kept Spain on the tip-toe of expectation, that this country was upon the point of dropping into her bosom for all this time. Were it not that any quotation from Mr. Adams, would look like setting public opinion at defiance I would borrow his words and say that you have in your bosom a faction which ought to be humbled to dust and ashes. Had you behaved like true Americans from the first, Spain would have found the folly of imagining that she could keep the river from us. But what is more decisive, she would then have no longer had an object in doing it. She wanted our commerce as much as we did hers.

During this long period, much foreign money has been circulated among our citizens. As to some, there is proof; as to others, good cause to believe. But one consideration weighs much with me:—We can never suppose that a foreign power will pay pensions to our citizens at all, unless she has a sufficient number in the net, to present a prospect of final success, by means of their influence.

In 1804¹³ we acquired the island of Orleans and the river, by one of the greatest strokes of diplomacy, known in history. By virtue of a memorial drawn, it is said, by our immortal President, shewing the French that they would not know how to use this country, and would be more benefitted by our having it than keeping it themselves—which memorial, was presented just when France was in the pinch of a game—by which memorial backed by the bare sum of fifteen millions of money, we got some part of what we wanted and sought for, to wit, the island of Orleans, and *half a world* besides. By this measure a wider spread was afforded for the principles of liberty, which was certainly an immense blessing to a nation of six millions, pent up and cooped together upon a little bit of earth, not containing above a million of square miles!!!

But countrymen, it is some years too soon to say any thing on this point. Your infatuation must wear off a little first.

Having secured the ownership of this river, the first subject which occurred to re-unite the *old* politicians, was the late project to sever these states. It appears now as though Mr. Burr had

¹³ The treaty was signed May 2, 1803, ratified Oct. 21, 1803. Possession was taken Dec. 20, 1803.

very few adherents; but the fact was far otherwise. Thousands cry out against him now, who only affect that note, to escape suspicion of being actual accomplices, as they are. Wilkinson's desertion marred him. It was always my opinion he would succeed to a very considerable extent at least, until I heard of that event. But there are some few matters appertenant to this scheme, which you are not aware of. The canal beyond the Falls: this was the first operative branch of the plan. Those people cared nothing about the canal. Canal was only for colour and pretext;¹⁴—*it was a bank they wanted.*—And see what a law they prevailed on the assembly of Vincennes to pass—allowing people to subscribe in lands.¹⁵ Can any man of sense believe this was ever intended for any other purpose, than to swindle the American people out of a few hundred thousand dollars? The course and outcome of the matter, sufficiently explained all that went before. They had how[9]ever the address to get names of several men of note and patriotism, inserted in the law, to make it go down well.

In the same winter, a powerful effort was made to get General Wilkinson governor of Natchez, and Mr. Sebastian at St. Louis, so a member of congress told me. Wilkinson told me himself of the efforts made by Mr. Gallatin and others for him. But the President would not appoint him nor Sebastian. Then I am told, there was a very great and uncommon effort made for Wilkinson, as governor at St. Louis. The throne was surrounded—the president was besieged. This prevailed. A leading feature of the scheme was, to have as many of the territorial governments as possible in the hands of their confederates. I have no doubt if I was acquainted with the doings at Washington, that I could name to you a great many acts done, or moved, to bear on the same subject. The next summer Mr. Burr came out here, and galloped around this half of the world, to see and fix his partizans.¹⁶ You know the events since; but one remark is particularly to be noted—all the remaining *Spanish patriots*, have to a man, been favourers

¹⁴ Wilkinson, Dayton, of New Jersey; Adair and Brown, of Kentucky; Smith, the senator from Ohio; Hovey and Floyd interested in this project. See "*Liberty Hall and Cincinnati, Mercury*," Mar. 12, 1805. See *Palladium*, Mar. 23, 1805, for Hovey's letters to Wilkinson in favor of the scheme.

¹⁵ *Palladium*, Dec. 9, 1805, says: "The money is not in lands, but the \$200,000 subscribed is in Louisville."—*Marshall*, II, 372.

¹⁶ For the movements of Burr, see "*The Burr Conspiracy in the Ohio Valley*," *Henshaw, Ohio Arch. and Hist. Soc. Pub.*, Vol. XXIV, No. II.

of this adventurer. Even when it was universally spoken of, that a separation of the union would take place, they rallied around him, to defeat and triumph over the law and its officers, more universally than ever. The old men of them were prudent: they did not like to talk about it; but could not conceal their fondness of the prospect. And our aliens, Frenchmen particularly, were in it almost universally. "Shall oppressed humanity find no assylum?" Yes, yes, Mr. President, let us open our arms, and receive the scum and adventurers of all the world. Those people that a monarchy is too weak to govern, will become excellent citizens in a country, where every man is a sovereign. Their assylum is like that, which Milton makes the monster at the gate of hell afford the dogs that guarded there. They crept into her bosom and *kennelled*, until a crisis came, when they could issue forth to deeds of destruction. This hasty sketch of our political history, shews you the theatre on which we stood, when toward the close of the year, 1805, Mr. Burr's project began to take air—A country *in* which or *for* which Spanish intrigues had never ceased since the era of our existence; and these intrigues, always combined with the navigation of the Mississippi, with our political discontents, and ever addressed to elevated citizens.

CORRESPONDENCE WITH THE EXECUTIVE OF THE UNITED STATES.

NEAR the end of the year 1805, I had satisfactory information that several of our citizens were pensioners of Spain; and that a revolutionary scheme in the West had been projected, and its preparatory measures were progressing with great secrecy, under the superintendence of Mr. Burr and General Wilkinson—that many men of note in the Northern States were engaged in it, and many persons of high standing in Kentucky, among whom were the pensioners of Spain; and that this was Burr's business to Orleans¹⁷ and all this western country in the former part of that year. [10]

The gentlemen with whom I conversed confidentially, on this subject, seemed unwilling to inform the executive of the matter, though equally anxious with myself that it should be done. I considered that duty as altogether indispensable; but put it off for

¹⁷ See W. R. Shepherd: "Wilkinson and the Beginning of Spanish Conspiracy."—*Amer. Hist. Rev.* Vol. IX.

some weeks, hoping to acquire information of the detail of the plot. But as the only intelligence I could gather, was as to new accomplices, and as to the doings of individuals engaged, I thought it better to warn the President of the United States, of the existence and general object of the plot, as I then received it, than to defer it until I should hear more particulars, or collect better testimony, should such chance fall in my way.

This I did by a letter dated the 10th day of January, 1806, of which the following is a faithful copy:—

SIR,

If I had as much confidence in the attachments of your¹⁸ friends towards you, as they make claim to, I should not address you this letter. But I have not; and the subject is too important to be pretermitted.

The dangers, I fear may be trivial or distant, but as on the other hand, they may be near and momentous, and in such case your being early apprised of them highly important, it is a duty I owe you, as the chief of my government, to give you timely hints, whereby you may forstal the dangers, and bring the traitors to punishment in due season.

Spanish intrigues have been carried on among our people. We have traitors among us. A separation of the union in favour of Spain, is the object *finally*. I know not what are the means.

I am told, that Mr. Ellicot, in his journal,¹⁹ communicated to the office of state, the names of the Americans concerned.

If this be true you are long since guarded; but I suspect either that it is not, or has escaped you; or you have considered the affair dead; [because you have appointed General Wilkinson, as governor of St. Louis,²⁰ who, I am convinced, has been for years, and now is, a pensioner of Spain. Should you ask me to prove it, I must resort to an extensive chain of circumstances, which, separately, seem small and inconclusive];²¹ and to informations

¹⁸ In the original letter found in Jefferson's private correspondence in the Congressional Library, there is a variant reading as follows: "in your friends and in their attachment towards you."

¹⁹ See letter from Ellicot, Nov. 14, 1797, in *Wilkinson's Memoirs*, II., 170.

²⁰ There was considerable opposition to his appointment to a civil office at the same time that he held a military office.

²¹ The part bracketed is underlined in the original pamphlet, probably by the owner, J. M. Stevenson, from whose copy this reprint has been made.

I have received from various persons and sources, which perhaps, I have not a right to refer to; nor is it necessary. An hint is all you want; and due enquiry will ascertain and develope the whole matter and partners.

A very exalted magistrate²² of this country, has lately drawn on Spain for his pension: of this I have the most unquestionable testimony. Before this was told me, I was laid under an injunction of secrecy; but I abhor such confidence and told my informant (who is a man of integrity,) that I would let you know of it, though I would not, unless it would become necessary, make known the name of the magistrate. If you find it necessary, and command me, it shall be instantly communicated, and my name given up. But you will scarce think it right to spring the mine, before you have laid your train.

This plot is laid wider than you imagine. Mention the subject to no man from the Western Country, however high in office he may be. Some of them are deeply tainted with this treason. I hate duplicity of expression; but on this subject I am not authorised to be explicit; nor is it necessary. You will dispatch some fit person into the Orleans Country, to inquire, having with him letters from the suspected gentlemen, and he can [11] fully and easily develope the whole business. It is enough that I put you on your guard.

If you desire it, I will enclose you a schedule of the names of the suspected persons.

Do not think this a slight advertisement. If you do, and launch into a Spanish war,²³ you may most heartily wish you had treated it more seriously. May be, the out come of this matter, may explain the pertinacity and forwardedness of the Spaniards in going to war with us.

In case of such a war, let neither the first nor second in command, be appointed out of the Western Country.

No one existing knows of this letter or its contents, and I design it to be strictly secret with you. If, however, you in your discretion, should wish it to be seen by Mr. Madison and Mr.

²² Benjamin Sebastian, judge in the Court of Appeals in Kentucky. From 1795 to 1806 he was known to receive an annual pension of \$2,000 from Spain.—*Green, "The Spanish Conspiracy,"* 349, 353.

²³ The idea of appealing to the western States for a separation in case of war with Spain was prevalent among Spanish officials. See forthcoming publication of I. J. Cox: "*The West Florida Controversy,*" 176.

Gallatin, I give you leave to show it, under unexceptionable injunctions of silence; and I confide that you will not use it otherwise than I direct, though you do not assent to my restrictions. Depend on it, you have traitors around you, to give the alarm in time to their friends. If I am alarmed at trivial dangers, I must make it up some time hence, by being unmoved when the danger is real.

It would be gratifying to me, to know that this letter was received, and how far the discretionary power of communication had been, or would be exercised.

I am Sir,
Very respectfully,

Your most ob't serv't,

JOSEPH HAMILTON DAVEISS.

Cornland, (near the Yellow Banks,) 10th Jan. 1806.

His Excellency, TH. JEFFERSON, }
President of the United States. }

(I was really at Woodford, and put this letter into that office.)

Here, Countrymen, you see I had caught only one side of Mr. Burr's scheme;—it had four sides: a side for the Spanish minister—a side for enterprising adventurers, (and our government, if it should reach them,)—a side for the multitude—and a side for himself. To the Spanish minister,²⁴ he held out that he intended to seize New-Orleans and the Western States, and convert them into the grand fief of the Spanish dominion: To enterprising adventurers, (and to our government, should it reach them,) he held out the conquest of Mexico in favour of the United States: To the multitude a settlement on the Ouachita;—but for himself he had in view all the achievements mentioned, (except the last) for motives of personal aggrandisement. The object of his visit to New-Orleans—the persons with whom he held intercourse there—his connection with Wilkinson, who I knew to be in Spanish pay, and with other persons of the same description in Kentucky,—united to impose on me the idea, that the plot was through Spanish instrumentality, and of course, for Spanish purposes. So the Spaniards thought and perhaps still think; but their reasoning was as bad as mine. Those who prove false to their own country, will prove equally so to their seducer.

²⁴ See *McCaleb*, 55-59.

To this no answer being received, on the 10th of February, I addressed the president a second letter, on the same subject.

This I put into the post office of Versailles, (Woodford county). I kept no memorandum of the days, on which these several letters were put into the post office—so shall not venture to be positive; but my belief [12] is, that the first was put in one or two days after date; and the second, on the day of the date or the next day.

The following is a copy of it.

Sir,

SINCE my last to you, I have heard, that a gentleman of this country²⁵ informed General Washington, while he was president, of a conspiracy against this country, by the Spaniards with Wilkinson and others. If it is so, it was either received as a private letter by general Washington, and so disposed of; or it is in the office of state.

Certain it is, that the president did not duly appreciate this information, or the importance of the subject.

I have some faint and confused recollection of an appropriation of money, to enable the president to look into the matter, and of seeing a piece from Mr. Ross²⁶ in the *Aurora*, accounting for a sum of money which he received on that ground.

The act of congress is very obscurely worded and entitled.

The president went the wrong way to work; and by doing so, alarmed the conspirators and missed his object. A conspicuous man, who draws the public eye wherever he moves, ought never to be employed in this kind of business.²⁷

²⁵ "From Dr. David Stuart General Washington received his first information concerning Spanish movements in Kentucky."—*Lex. Gazette*, Dec. 1, 1806. It is probable, however, that Daviess refers to Thomas Marshall, who wrote to General Washington Feb. 12, 1789, giving an account of the memorial read by Wilkinson before the convention of 1788. He continued to write to Washington on this subject until Sept. 11, 1790 (*Littell, Polit. Transactions in Kentucky*).

²⁶ Ross was a senator from Pennsylvania. The *Aurora* was a Philadelphia paper. Wm. Duane was its editor.

²⁷ Probably Wayne is meant. "Wilkinson was aware that he was distrusted by Washington, and was closely watched by the able, gallant, and loyal Wayne."—Green, *The Spanish Conspiracy*, 291. From Ft. Washington, Sept. 22, 1796, Wilkinson writes to Gayoso: "The suspicion of Washington is wide awake."—Clark, *Proofs*, etc., 41.

You must have remarked Mr. Burr's journey out to this country last year. What was he after? To escape persecution? that can't be; because it never followed him out of his own state, and he spent the whole of last winter at the seat of government without danger.²⁸ Was it to see the country? No; he did not see it. He came to Lexington²⁹ in haste (not in a hurry,) went on to Orleans and that country by water; went with Wilkinson past my house on the Ohio;³⁰ at fort Massac stopped and was closeted five days with Wilkinson,³¹ "to help him arrange his new government," as was given out; went on down to Orleans,³² turned, and (I may say) galloped back to Nashville,³³ across that great wilderness; then up to Louisville in Kentucky; and then across the wilderness of Indiana to St. Louis,³⁴ to see Wilkinson again; then back to Lexington,³⁵ and then to see [Smith] the senator in Ohio.³⁶ This jaunting added to the opinion I hold of that man's turn of character; and added to the circumstances mentioned to you, of a late draft³⁷ on Spain by a high magistrate of this state³⁸—having given strong suspicions of Mr. Burr, and confirmed those I had of a plot now existing.

²⁸ See *Adams, III*, p. 223, for the attitude of the Capitol toward Burr during the winter of 1805-1806.

²⁹ Burr was in Lexington May 22, 1805, according to the Kentucky *Gazette* of May 28, 1805—"not interested in the canal nor election, but . . . travelling for amusement and information."

³⁰ Burr was not actually with Wilkinson, but overtook him at Fort Massac. See McCaleb, *The Aaron Burr Conspiracy*, 26.

³¹ According to *Adams, III*, Burr descended the Cumberland June 6, 1805, and left Massac June 10, 1805. Ft. Massac was on the north bank of the Ohio below the mouth of the Cumberland.

³² June 25, 1805.—*Adams, III*.

³³ Aug. 6, 1805.—*Parton, Chap. XXI.*

³⁴ Sept. 11, 1805.—*Adams, III.*

³⁵ It is doubtful whether Burr went back to Lexington or not.

³⁶ John Smith, of Cincinnati, at whose home Burr stayed May 11, 1805, on his way westward. Smith resigned from Congress in 1807, lacking only one vote of expulsion, because of his connection with Burr. (See *Amer. State Papers, Misc.*, No. 238.)

³⁷ "draught" in the original letter.

³⁸ Probably Sebastian.

The unexpected and unfortunate sickness of Mrs. Daveiss³⁹ has prevented my returning home; and I shall not do it before the last of March. If you have answered my first letter the answer is gone on to that post office. I have ordered such a paper if received to be remitted to Frankfort to⁴⁰ me.

I am so anxious to see the defeat of this damnable plot, and dread so much its failure in the hands of any common emissary, that, inconvenient as it is to me in the extreme to leave home, now when I am settling a new place, yet I am heartily willing to do it without reward of any kind, the government bearing my expences.

It is high time for whoever goes to be on foot, else put it off till autumn, when the sickly season down the river is over. If I go, I shall start across to St. Louis immediately to see Wilkinson, and then on as fast as possible. [13]

Let governor Claiborne⁴¹ have no knowledge, or hand concerning this thing.

Shew this letter to nobody. Mr. Burr's connections are more extensive than any man supposes.

Unless you are careful and suspicious in the extreme, this thing will leak out, and the conspirators countermine all my operations, and expose my person and life, if I go into the Spanish government.

If I am honored with an answer let it be to Frankfort.

JOSEPH HAMILTON DAVEISS.

February 10th, 1806.

His Excellency }
TH: JEFFERSON. }

³⁹ Philip Caldwell and Daveiss had both sought the hand of Ann Marshall, sister of the Chief Justice, and Daveiss had been successful. On the night of the ball given Burr, in Frankfort, Caldwell overheard a conversation between Daveiss and others, inimical to the administration, which he reported to Innis. Innis wrote to Congressman Sandford, who showed the letter to Jefferson, whereupon Daveiss was removed from office. See *Taylor's Autobiography, in the Durrett Papers, Library of the University of Chicago*.

⁴⁰ "for" in the original letter.

⁴¹ Claiborne was the American commissioner at the time of the transfer of Louisiana. His administration as governor closed in 1816. In 1817 he was elected to the Senate. He died Nov. 23, 1817. See Gayarré, *Hist. of Louisiana*.

With this letter I put into the post office under cover, sealed, and directed as the letter, a schedule of the names of suspected persons.⁴² These I shall by no means make known, except two, which are material in your view of the president's course on this subject; otherwise, I shall either leave blanks or put down letters instead of names. Many of these persons may be innocent. If guilty, it is not my purpose to accuse in this place.

I am sorry, countrymen, that circumstances should have occurred to draw from me this publication of these letters, which every candid reader will believe me sincere in saying, were never designed for publicity. They were written with all the anxiety and zeal of a young man, who addressed his father upon a point touching the family honor or interest. They contain matter of advice to the president, and many other inadvertencies which one writing less from the heart, would have avoided.

(I do not wish the reader here to suppose, that I suspected his excellency William C. C. Claibourne to be an espaniolized American—I did not—nor my caution to the president, did not proceed from such a supposition. It was merely owing to the unmerciful idea, I had formed of the gentleman's head. He is as far as I know, a well disposed person; and abundantly attached to the president, which is certainly a great matter; but my present purpose required a man of sense.

Good God! how mortifying to think, that the president of the United States, is a man, who should either be so pell'd by a flatterer, or so ignorant of human nature, as to appoint to the most important and elevated office in his gift, a man, so devoid of every pretension to talents, reading, experience, or any thing but admiration of Mr. Jefferson! How far that man has left his equals behind—how wonderfully he has overrun and passed by men, whose meanest speech or composition he could never equal.

He rose like a rocket, and he'll fall like a stick.)

On the fifth of March, having yet received no answer from the president, I addressed him the following:

⁴² This list was written on a separate sheet of paper, as follows: Breckinridge, Fowler, Wilkinson, Adair, senator; Smith, do.; Sebastian, the judge Ct. of Appeals; Innes, the judge District court; Clay, the lawyer; Burr; Harrison, Govr. *From the original in the Jefferson Papers, Library of Congress.*

SIR,

THE post has arrived but brings no letter from you. Can it be possible, that my two letters of the 10th of January, and 10th of February, have miscarried? If either has failed, every further attempt of mine will be abortive. I pray you inform me only of this point, by a letter to me at the Yellow Banks post office, without delay; for I am now determined to raise money upon my own credit, and pursue my enquiries into this matter—confident that if my government will give me no aid, it will [14] throw no obstacles in my way. If you deem my information too trivial to be noticed by the chief of a great nation, you will surely, nevertheless, be just enough to me, to keep invi[o]lably secret, till I return from my present pursuit. Every day gives me new causes to confide in the justness of my impressions and opinions on this matter; and to make it more probable that to this source is to be traced the eagerness of the Spaniards for war.

[This day I have seen the very man,⁴³ through whom Wilkinson, for a long time, carried on his correspondence with the Spanish government, clandestinely. And he knows of Philip Nolan,⁴⁴ the great horse trader, bringing several kegs of dollars to fort Washington, for that gentleman.]⁴⁵

But this gentleman my informant will not suffer his name to be mentioned; so the information cannot assume the shape of legal evidence, although it may serve to satisfy your mind.

The man I knew for many years. His integrity is wholly unquestionable.

JOSEPH HAMILTON DAVEISS.

Now at Frankfort, 5th of March, 1806.

His Excellency, }
TH: JEFFERSON. }

P. S. Let Mr. Madison or Mr. Gallatin direct and frank any letters of yours to me on this subject. D.

⁴³ Probably Joseph Ballinger.

⁴⁴ Philip Nolan took charge of Wilkinson's affairs in Louisiana during the years 1789-1791. He left Louisiana about May of 1800, and was killed the ensuing March by Spaniards in the province of Texas.—*Wilkinson's Memoirs*, II, 119. Wilkinson wrote to Gayoso, Sept. 22, 1796: "Nolan is a child of my own raising and is firm in his attachment to Spain."—Clark, *Proofs*, 42.

⁴⁵ [] is underscored in the pamphlet from which the reprint is made.

On the 27th of that month I received from the president the following letter which is altogether in his own hand writing:⁴⁶

WASHINGTON, Feb. 15, '06

Sir,

[YOUR letter of January 10 came safely to hand a week ago.]⁴⁷ According to your permission it has been communicated to Mr. Madison and Mr. Gallatin. I have also communicated it to general Dearborne,⁴⁸ because one of the persons named by you is particularly under his observation; so far it was necessary and not further. I will be responsible for its secrecy. The information is so important that it is my duty to request a full communication of every thing known or heard by you relating to it, and particularly of the names of all persons whether engaged in the combination, or witnesses to any part of it, at the same time I pledge myself to you that it shall be known no further than it now is, until it shall become necessary to place them in the hands of the law; and that even then no unnecessary communication shall be made of the channel through which we receive our information.

You will be sensible that the names are peculiarly important to prevent a misplacing of our confidence either in the investigation of this subject particularly, or in the general trust of public affairs. In hopes of hearing from you without delay, I pray you to accept my salutations and assurances of great respect.

Mr. DAVEISS.

TH: JEFFERSON.

On the next day I addressed the president the following.

Sir,

YOUR letter of Feb. 15 came to hand this morning, somewhat delay[15]ed by going to Hartford instead of Breckenridge court house, which stands on the post road leading by the Yellow Bank's post office, and somewhat by having to return here, where the court still detains me. I was much obliged by the communication of it, as I was very apprehensive about my letters. You

⁴⁶ This letter and the one preceding are bracketed in the original pamphlet and marked [Note] "93."

⁴⁷ [] underscored in original pamphlet.

⁴⁸ General Dearborn was appointed Secretary of War by Jefferson in 1801. He was not a strong man, and was supposed to be in the toils of Wilkinson.

have ere this two others from me, one of the 10th of February, put into the post office at Woodford (Versailles) and another of 5th March, put into the office here under cover to col. Sanford.⁴⁹ These anticipate in some degree your enquiries. With mine of 10 Feb. I have sent under blank cover a schedule of the names of suspected persons; but there I omitted one; [Dayton]⁵⁰ the speaker, [.] I am afraid, may be, I put in one who is innocent, [a lawyer]⁵¹ of Lexington, and left out [a doctor] of that place improperly. But I'll soon *know* all about it without *suspecting*. At date of my last I had learned much new matter on this subject: I now know more; and as you desire a full and free communication I shall proceed without the least apprehension of a disclosure, giving you full permission whenever you find it needful to give up my name, warning me at the same time thereof. [The man alluded to in my last, through whom Wilkinson carried on his correspondence with the Spanish government would not let me give up his name; he is a man of as high standing for integrity, as any other in the world. The correspondence was addressed to the Secretary, whose plain name stripped of all titles is Gilbert Leonard,⁵² the son of a shoe-maker, who by his great talents raised himself to so high a function.

The plot began between Wilkinson and Governor Me[i]ro.⁵³ Owings⁵⁴ who was killed coming up the river, had \$6000 of Wilkinson's money, and seven thousand dollars was shipped to the port of Philadelphia. Nolan the great horse trader brought several keggs of dollars to Fort Washington⁵⁵ for him; and in the

⁴⁹ Thomas Sandford was born in 1762, in Westmoreland County, Virginia. He came to Kentucky in 1792, settling back of Covington. In 1799 he was the only member from Campbell County to the Second Constitutional Convention of the State. He was several times elected to the Legislature and served as a member of Congress 1803-1807. He was drowned in the Ohio River Dec. 10, 1808.—See *Biog. Dictionary of Kentucky*. For his connection with Daveiss, see Note 39.

⁵⁰ All bracketed names were omitted in the pamphlet, and are supplied from the original letters.

⁵¹ Clay. See note 42.

⁵² See Deposition of Gilberto Leonard, *Wilkinson's Memoirs*, Vol. II, p. 223.

⁵³ Miró was governor of Louisiana 1784-1791. For his connection with Wilkinson, cf. Gayarré, "Hist. of La.—The Spanish Domination, 194ff."

⁵⁴ Owens. See *Depositions of Bouligny and Langlois*, in Clark, *Proofs*, appendix 22.

⁵⁵ Cincinnati.

hearing of one of my informants, who he was then very fond of, he used to say that Governor Me[i]ro and him had agreed to lay up a few thousand dollars for a time of need, and this was the first of that money, alluding to the keggs.—As to the two first sums he told another gentleman [Dr Ridgely] that he was thought by Wayne and his party to be very poor, but he was not, for he had \$13000. This was before the shipment of it from Orleans.

I find that in the convention of 1788 at Danville, he (Wilkinson) rose and proposed a separation and union with Spain to that body,⁵⁶ (this was the convention who proposed a separation) and [John Brown] the senator rose, and in a short speech, supported Wilkinson, saying, "that he had it from the highest "authority, that if we would join Spain, we might have anything "we pleased, and any kind of trade we wanted." Wilkinson then read almost a quire of paper, which he called a letter, written by him to the Governor at Orleans,⁵⁷ and read the Governor's answer, to corroborate what he and [Brown] had said; but it was so badly received, that it was dropped, and its being spoken of since, is much resented by its friends, as an imputation on them. [Col. Joe Crockett the Marshal] is my informant, and I am going to get the journals of that body, to copy off the names of the members, to be used when necessary.

[Brown] was the first mover of this business here, and wrote many letters to the influential men here, to draw them into the measure. When he offered for congress winter before last, I published this, and offered that my fortune should stand responsible, if it was slander, and offered to prove his treasonable correspondence with Gardoque [i] for this purpose. [15] One of the members opposed to [Brown], [Grundy]⁵⁸ came to me to know if he might give up my name—I gave him leave, and he went all over town and told it—but, dont be startled [Brown] did not loose one vote by it; nor was I ever called on.

This was very astonishing, and filled me with the utmost concern. How wonderfully numerous the friends or neutrals of this infernal scheme!!!

⁵⁶ [] underscored. See note 45.

⁵⁷ See W. R. Shepherd: "Wilkinson and the Spanish Conspiracy."—*Amer. Hist. Rev.*, Vol. IX, 490 *et seq.*, for quotations from this memorial.

⁵⁸ Grundy had studied law in the office of George Nicholas at the same time as Daveiss.

You will see what a hurricane they will blow up around my ears when I come back.

Judge Sebastian, of our Court of Appeals, is the man who drew lately on Spain for his pension. Mr. [Wilkins] saw the draft, and knows his hand well. It was drawn in favor of John A. Seitz,⁵⁹ of Lexington, and payable to him. Seitz died there, and this paper was in his pocket book, and is still there, and [Wilkins] will by draft order its delivery to me when I get there. [Adair] and [Burr] are pensioned without doubt. I fully expect some are the friends of these traitors, who are not pensioned, and several such persons are named to you heretofore.

Alas! that men so highly raised by their country in trust and honor should thus betray her.⁶⁰

Whenever the court is over, (which I expect tomorrow,) I will go on my journey. I have not yet tried to raise money, but fully expect I can do it. Small difficulties are no obstacles with me.

Dont write to me while I am gone anywhere, but at Cornland, and let Mr. Gallatin direct and frank the letters—my brother John Daveiss⁶¹ will open these, and make known their contents to me in a language unintelligible by others. You may rely implicitly on this man's secrecy. Write directly in one event, that is, if you find I am suspected, write it instantly to Doctor [James] Speed, of Natchez, who is my old and very intimate friend.

If I am suspected, the chances of my getting back are very slender.

I observe that the marquis Cassacalvo⁶² and all the Spanish officers are prohibited from crossing the lines. It might be well, if reasons of state would permit, to relax this, so as to allow that gentleman to come to Natchez. I would much rather see him there, than go into the Spanish government to do it; and at Orleans [James Brown] would give him warning of me immediately.

⁵⁹ See deposition of Charles Wilkins, *Amer. State Papers, Miscell.*, p. 924.

⁶⁰ Marked "Note 95" in margin.

⁶¹ Some of his descendants live in Kentucky to-day.

⁶² The Marqués de Casa Calvo acted as military governor of Louisiana after the death of Gayoso (1799-1801), and as commissioner along with Salcedo to deliver the province of Louisiana to France.

I wish to see one [Powers,]⁶³ below Orleans. He commanded the boat which was searched by secretary Steele⁶⁴ at Natchez, some years ago. He says, had Steele looked into a bucket on the top of the boat, containing old tobacco, he would have found papers enough to hang Wilkinson and himself.

I feel greatly strengthened by having the support of government, and freely apologize for any expressions of despondency or doubt on that subject in my last letter.

I am Sir,

Very respectfully,

JOSEPH H. DAVEISS.

March 28, 1806.

Mr. JEFFERSON.

And on the succeeding day I addressed another in these words.

Sir,

I intended, when I wrote my letter yesterday, to write you no more until my return, unless something new, and requiring immediate communi[17]cation should occur, but my memory continues to recall circumstances which I deem it proper to make known to you.

It came to my knowledge a good while ago, that \$100,000 had been distributed at Orleans for the purpose of rewarding the friends to good government in this country. This was told me by a very exalted officer under you in this country. I asked him why he had kept this secret from government? He answered, I have no doubt candidly, that he deemed the business long since dead, and the scheme miscarried. He had no hand in the thing himself. He forbade my disclosure; but the utmost effect of such injunctions is to conceal the name of the informant.⁶⁵

⁶³ Thomas Power, an Englishman by birth, naturalized a Spanish subject. He was sent as emissary to Wilkinson by Carondelet (*Green-Span. Conspir.*, 343, 350). See deposition of Elisha Winters, *Amer. State Papers, Miscell.*, Vol. II, p. 94.

⁶⁴ Possibly John Steele, of Pennsylvania, who, in 1796 became lieutenant in the Third Infantry. Cf. *Heitman*, I, 919.

⁶⁵ This informant was James Morrison. See note 12. See Morrison's letter to Wilkinson in the *Durrett Papers*.

Curse such secrets, they point to the destruction of the whole community.

Perhaps you are surprised at my speaking, in the other letter, so highly of the integrity of him, through whom general Wilkinson so long carried on his correspondence with Spain.⁶⁶ I asked him to explain it.—He said he thought the thing at that time a mere *fetch* of Wilkinson's to get money;⁶⁷ and had no idea of any serious result from it; and besides, he himself had no sort of participation in it, but only afforded conveyance for the letters.

It was a bad excuse; but might be deemed by many an honest man, a good one.

Some years ago, H. [John Hollingsworth] the son of [Hollingsworth,] (of Baltimore) came to an intimate friend [Charles W] and relation of his, and told him that he (H.) had been offered \$2000 for his trouble in circulating \$6000; and asked [W] if⁶⁸ he would take a part of it. [W] enquired what was the object in circulating the \$6,000, and was told it was to make friends to the king of Spain, who should mark public tone and report it. [Wilkins] told him to have nothing at all to do with it.

A day or two before [Wilkins] knew that judge Sebastian had been there. How I deplore this man's guilt! He was friendly to me.

I tremble for two men I have much esteemed. God grant I may not find their names among such vile conspirators.

A little circumstance happened, when Burr was here, which looks small, but it struck me as worthy of much regard. I had it from the hon. John Rowan,⁶⁹ the secretary of state, a man of incorruptible integrity; and with whom I have been intimate since ever we were boys; and to whom I told my whole views about the beginning of this month, when I had dispaired a little of any letter from you. It is this:—When Burr was here last, he spent much of his time at F's [Adair's] who lived in town. F. [Adair] came over to Mr. Rowan's and mentioned to him,

⁶⁶ [] underscored and marked "Note 98" in original pamphlet.

⁶⁷ It is a well-known fact that Wilkinson was always in financial difficulties.

⁶⁸ "How" in the original letter.

⁶⁹ Born in Pennsylvania, 1773. Came to Louisville 1783. Studied law, and admitted to the bar at Lexington 1795. Member of Constitutional Convention 1799. Secretary of State 1804; in Congress 1806. Died in 1843 at Louisville.

that he would be glad if he [Mr. R.] would come over to his house, that he might introduce him to Burr.—Mr. Rowan gave some polite answer, but could not then go. “I should be glad [if] you could come to my house to see him,” said F. [Adair] “for he is a very diffident man in company.”

You know that young Mr. Burr has mixed but little with the world. “I wonder what he can be after,” said F. [Adair] I can’t tell, said Mr. Rowan. Mr. Rowan did not call, being prevented by his family sickness and other matters; but he never could understand the thing until I spoke with him.

F. [Adair] told [Dr Ridgely] of his first going down to Orleans, and his friends writing to him to be sure and bring no letters from Wilkinson;⁷⁰ and when there, to say nothing for him or against him. But a letter is too small to write [18] these things, so I’ll drop it until I return, when I can see you or write at leisure.

[I said, in May⁷¹ last, that many knew of these treasonable doings who had no pensions. It may turn out that [Innis] and [Breckenridge] are of these. I have no doubt the *first* knew of all Wilkinson’s doings, and I have heard but dare not enquire now, that [he] sent the murderers of Owings to Wilkinson, at Fort Washington.—The second, I am confident, knew well of the treason at first. I don’t know how it is lately.

He knew all about the \$100,000.]⁷²

Excuse me for suggesting one point to you and your minister—that is: never alter your countenance towards any of these men. If you do, and they return and find me gone, they’ll suspect in a moment what’s the matter.

Yours very respectfully,

March 29th, 1806. JOSEPH HAMILTON DAVEISS.

Mr. JEFFERSON.

These two letters [I] enclosed under, (I believe) *one* cover, addressed to Mr. Gallatin, and put them into the Frankfort post office. The president does not acknowledge them; but as there was no robbing or destruction of the mail about this time, and as

⁷⁰ However, Burr did have letters from Wilkinson.

⁷¹ “My” in the original letter.

⁷² [] underscored and marked “Note 96” in margin of pamphlet.

I have not for many years heard of a letter to one of the departments failing; I have no doubt they went safe.

Early in this month I had engaged captain William Woolfolk, of Woodford, a man on whom I could place perfect reliance in every respect, to share with me the fatigues and fate of this journey to Natchez, New Orleans, and Pensicola, from which place, we intended to steer our way through the woods to Tennessee. We had appointed to meet at New Madrid, by (I think) the 20th of May—(But I kept no notes or journals, never expecting I should need to refer to such documents.) It was agreed between us, that which ever arrived first at New Madrid, should wait one or two days for the other, after the time first appointed; and then leave a letter for the delinquent and proceed.

On my way home I engaged my passage in Mr. Gibson's boat, then descending the Rowling fork, and bound for St. Louis, which was to touch for me at my house.

I arrived home on the 20th of April, having been absent six months [weeks?] complete. I did not know in what hour the boat would arrive; and in this situation I had only one day to set my house in order, before I had to depart on the most long, and probably perilous journey I had ever undertaken. When I came to pack up my clothing, &c. I discovered that since I had left Frankfort, I had lost my bank notes to the amount of two hundred and odd dollars; and now had but \$72 left. This was very discouraging; but being personally known to a merchant of capital at St. Louis, one at Natchez, and several at New Orleans, I did not despair of finding sufficient means wherewith to pursue my enquiries.

All this time not a line from the president—I addressed him the following letter.⁷³

⁷³ Daveiss wrote another letter to Jefferson April 5, 1806, which is omitted from the pamphlet, and reads as follows:

Sir,

In my last, I mentioned Dr. Speed of Natchez as a person to whom you might confide any letter for me.—He is gone to New Orleans.

Samuel Postlethwait, merchant of Natchez I would name in his place: but don't let your hand or name appear on, or in the cover. If you know the Govr very intimately, he might afford a more elegible conveyance.

One thing I omitted to suggest to you tho no doubt it has occurred to you 'ere this—that is, the propriety of Gen. Dearborne & the ministers suspending all enquiry relative to the subject of my letters until I return. A contrary course might defeat all my efforts and much expose my person."

Sir,

BEFORE the boat arrives which is to carry me to St. Louis, and [19] which I hourly expect, I think it better to advise you of a little circumstance, which has lately come to my knowledge, than attempt to retain it in my memory till my return.

I must previously observe, that since I first wrote you, I have continually noted those things to you which could make no figure as legal evidence as well as those which might be made to assume that shape:—because in the present state of this matter it seems to me very important to warn you of all the sources from which information might be expected: otherwise, many things might escape your remark which would receive your attention, had you known their connection with the main subject.

The thing first alluded to, is this: [Genl. Jackson] of Tennessee, lately wrote [Mr. Cuthbert Banks] of Lexington, a letter, full of compliments and polite nothings; and in it enclosed a paper without signature or date; and as [Mr. Banks] thought undoubtedly in the hand writing of Mr. Burr; which paper was so abstrusely worded and indited that Mr. [Banks] could not comprehend distinctly its meaning; but it concluded with words in effect as follows: "that Mr. Burr would eventually prove to be the saviour of this Western country." Mr. [Banks] understood the letter and [its] contents, as meant to draw him into a correspondence and further explanation; but he was so distressed at it, that he threw them into the fire. A gentleman to whom he mentioned the subject in Lexington, told me of it very privately. I went to [Banks] and mentioned the matter to him, telling him that I would know Mr. Burr's hand writing; but he said he had burnt the paper, and would forever despise Burr, from his confidence that he wrote it, though he did not well know his hand writing. He requested me not to converse about it, which I had more reasons than one for avoiding.

Mr. [Banks] is wholly ignorant of my object. I wish I could have ventured to let him know it, and get the correspondence continued.

I should like to know something more about the doings of this saviour of ours.

[If you chance to hear anything about a captain Collins⁷⁴ (of

⁷⁴ See deposition of Daniel Clark: *Memoirs of Wilkinson, Appendix No. 5.*

Florida) attend to it. This man has been a very active agent for Wilkinson. He carried the \$7000 to Philadelphia for Wilkinson; and is the man he sent as a spy round by Canada; and a long story was told about his being captured by the Indians, and the many hardships he suffered. I think it likely you'll find some report of Wilkinson's on the subject in the war office, unless it was burned. But from the information I have received from a gentleman, who I know does not go on light conjectures, I fully believe this man was sent to col. *England*, of Detroit, on a very friendly mission; [Wilkinson] being at that time in the pay of Great Britain. If Newman⁷⁵ is living in the southward, as is said, I have no doubt it may be proved that Wilkinson is the man who sent him to the Indians, to warn them of the approach of Wayne's army.]⁷⁶

I have caused a note to be inserted in one of the Louisville Gazettes, that you have removed me from office. This will render quite unsuspecting the dissatisfaction which I may occasionally betray towards the government of my country. No one will think it worth while to ask the administration any thing about it; but lest they should, and I be rendered very suspicious by your answer, I have enclosed a letter of resignation to Mr. Madison,⁷⁷ which may form a pointed answer to the enquiry. I design [20] this letter to remain in your hands, and not be filed in the office of state, unless you deem it proper. For I did not intend to resign, till I had finished the revenue cases commenced by me.

In embarking in such a project, I feel very deeply the want of your sanction: it may be contrary to the reasons of state; it may be contrary to your judgment, and to your views. But still I feel a confident hope, that it must suit the government to be fully advised in this matter. I have but little expectation of getting possession of evidence, which can be used judicially; but it is

⁷⁵ In an article by Wood, copied from the *Western World*, in the *Palladium* of July 31, 1806, it is intimated that Newman deserted from the American army to the Indians at Wilkinson's instigation. Newman was also very intimate with Power and lived at Natchez with him.

⁷⁶ [] underscored and marked "Note 97" in margin of pamphlet.

⁷⁷ This letter is in the private correspondence of Jefferson in the Library of Congress.

a great point in my view, to shew you satisfactorily how this matter stands.

Very respectfully, your most ob't: servant,
JOSEPH HAMILTON DAVEISS.

Cornland, near Yellow Banks,

April 21st, 1806.

His Excellency,

TH: JEFFERSON, *President.*

That evening the boat came and left word for me to come on board, at the Yellow Banks (two miles off) by day break next morning, which I did; leaving my farm without any overseer.

About a fortnight after my departure, captain Woolfolk called at my house, agreeable to my directions, and took the accoutrements for a pack horse, which I had prepared, and proceeded to New Madrid, where having waited and written agreeable to promise, he continued his voyage.

I arrived at St. Louis about the seventh day of May (I believe) and almost immediately after my arrival acquired the information I desired. It is not material for the public to know this,—nor the course I intended to pursue for the developement of this conspiracy. You may be sure one part of it was to conceal the true object and design of my researches from others.

I acknowledge I felt a repugnance to this circumstance. My judgment wholly supported me—for my country was in question; but my feelings, at times, so objected to it, that I could not forbear suggesting it as a doubt to two gentlemen, with whom I conversed unreservedly. Their opinions supported my own.

The day after I arrived, I understood that Mr. Ellicott's journal was in town; and I lost no time in getting it, to see what he said of the Spanish intrigues in 1797-8. It would be very desirable to transcribe his words exactly here; but the only copy of the book which I know of is at Lexington, one hundred and seventy miles from this place; nor did I take any notes of pages and words when I saw it; but the substance of the matter is this.

Mr. Ellicott, while running our line, intercepted a correspondence, in which the treasonable and secret intelligence held by sundry of citizens with the Spanish government is exhibited.⁷⁸

⁷⁸ See pp. 151, 152 of this pamphlet.

This, he says, he communicated to the office of state; and the names of the Americans concerned. He afterwards sets forth some intercepted papers, showing Mr. Hutch[e]ns⁷⁹ (I think) to be in pay of Britain, & copies the documents—and afterwards adds, that these evidences were not more conclusive, as to Hutch[e]ns, than the intercepted correspondence was, as to the persons engaged in the Spanish intrigues. [21]

Upon reading this, I was smitten with the utmost chagrin and disgust, at the insincere, unmanly, and ignoble behaviour of the president towards me. Can there be a case in which expressions of intemperance and invective would be more excusable than this? Only reflect on our respective situations. A citizen leaving his own house with all the loss which can attend a farmer's absence from home in the spring season, at his own expence, and at all the personal risque and hazard which may await such a journey, in such a climate and season, *and on such a business*—all this upon the privity of the president, and for the sole purpose of averting a mortal blow aimed at our government and country—an undertaking through which no success could be expected, but through the use of information previously had;—the president all this time possessed of important and authentic intelligence, which might make the task of investigation perfectly safe, and almost insure its success:—Yet what is his course?—He sets snugly in the corner of his cabinet, wrapped up in his cloak of little cunning prudent reserve, and says to himself “I'm determined to stand aloof from this scrape,—let the young man go on—if any good comes of it—well: but if he gets his throat cut, or is sent to the mines by governor Folke,⁸⁰ why I'm sure he can't say its my fault,—I didn't encourage him,—he has nothing to show from me;—if there's a harvest, I'll reap it;—but if untimely storms destroy the crop, I'll risque no loss.”

Your policy, sir, is indeed very *fine*, very characteristic: but oh, how despicable—how unlike the mighty chief we would expect to find at the head of this great and rising nation!

Was I an improper person? Was it too soon? Was I adopting an improper course? Then why not in a candid and manly manner desire me not to proceed into this “premature attempt?”

⁷⁹ See *Ellicot's Journal*, p. 194.

⁸⁰ Vizenti Folch, commandant of West Florida.

Dont say I started too soon for your countermand or information. You wrote not one line, which, by staying longer, I could have received.

The court at St. Louis being in session, I was called upon to attend some important causes, which detained me there several days. I was very unhappy about captain Woolfolk:—I wrote him to New Madrid; but it was too late. After I got through my court business, I returned home. The season for planting was over; and untoward class of events, had prevented the putting in my crop—I made none last year. The public is not interested in knowing the train of private misfortunes I have suffered, by reason of this. My neighbors know them.

When at St. Louis, a little conversation took place with general Wilkinson, which I will detail to you exactly, as I will upon my oath, if I am ever called upon. I will promise to you, that I never observed a greater apparent admiration in one man *for another*, than the general manifested for Mr. Burr; and among other things mentioned several times Mr. Burr's impenetrable secrecy. One day I was (as I well recollect) enquiring about lieutenant Pike's tour up the Mississippi;⁸¹ and it appears to me that the general showed me a sketch of the map of that river, by Mr. Pike. After which he took out a map of the country of New Mexico, which I think was in manuscript; and after some conversation about it, tapping it with his finger, told me in a low and very significant tone and manner, "that had Burr been president, we would have had all this country before now." This I remarked particularly, and it has appeared to me a very explanatory circumstance relative to that man's participation in this plot.

Upon my return home, I found no letter for me in the post office. [22]

The want of all communication from the president, induced me to fear, that either my letters or his had been intercepted; for I could not believe it possible, that he had not written to me. This was much enforced by a circumstance that took place at St. Louis the day I left it. On that day, before I took leave of governor Wilkinson, he handed me an anonymous letter, received from Frankfort, by yesterday's mail, telling the governor to beware of me; for I intended to extract from him his secrets about

⁸¹ F. X. Martin, *Hist. of La.*, Vol. II, p. 225.

his connection with the Spaniards. I read the letter partly, closed and handed it back to him, observing, that I was now in the hour of my departure, and he knew all the conversation that had taken place between us since we met, not a word of which was on such a subject. He laughed very much at the idea of his connection with the Spaniards; but I could clearly discern through the veil of his laughter, that he was thoroughly alarmed. The writer of the letter had wholly mistaken my purposes, though he had a general idea of what I was after.

The letter had been put into the Frankfort post office the 21st of April. The writer of it thinks I don't know who he is.

In July I went to the court at Frankfort, and I had the pleasure to meet captain Woolfolk, who had just returned, and had been as far as New Orleans to fall in with me. I desired to know his expences, that I might reimburse them; but he would not hear of it—so we both agreed to set down our disbursements to the account of *profit and loss*.

Mr. James Dardis, a respectable merchant of Knoxville, was here, attending a law suit of himself and others, for the Goose creek salt works. When he was going, I put into his hand a letter to the president under cover endorsed to Mr. Gallatin, which he assured me he would most carefully deposit in the post office at Knoxville, as soon as he should arrive. I have the most perfect confidence that he did so, and that it went safe, though it is not acknowledged. It was as follows:

Sir,

I returned the 3d June, since which time I have not ventured to write you by mail, suspecting that an interception had already taken place, and have waited till now, for a private conveyance across the mountains.

I declined all attempts at the execution of my first plan, being fully informed of the report to the department of state, made by Mr. Ellicott, of the whole matter as it then stood, previous to my reaching the point of my first destination.

I took it for granted, that whenever you thought it material to public interest, that an enquiry should be made into this matter, you would possess the agent employed therein, with every possible information in your power, as by that measure alone, could success be fairly expected. And I felt a violent repugnance

to the instrumentality of any suspected character, if the object could be otherwise attained.

The present unacknowledged state of all my letters, except the first, gives me confirmation in my views of this subject, and reason to approve my discontinuance of all further efforts on this matter, not sanctioned by the express commands of my government.

My duty, however, as a citizen, to you, is not fulfilled until I tell you, that I have it from an authority which I cannot disregard, that the present project is not the original one, but a new scheme engrafted on it. Its outlines are: To cause a revolt of the Spanish provinces, [23] and a severance of all the western states and territories from the Union—to coalesce and form one government—to purchase great quantities of land in the Spanish settlements, to ensure the desired influence when the crisis comes. That in the scheme are connected all those named to you (except [Breckenridge]) and [Govr. Bloomfield]. The [Van Ness's] Burr's relations in New Orleans and St. Lewis, the [Browns] and [Edw. Livingston, Gen. Massy of Ohio] and many others among whom was named [Genl. Smith] of Baltimore, whose present elevation, wealth, and character, forbids belief of such a connection on his part.

I have undoubted evidence of [Innis'] connection in the original scheme.

The [lawyer] of Lexington, who I named to you, is, I believe wholly innocent. [Breckenridge] was not here at the original scheme, so had no hand in it. Its progress after he came here was all known to him.

This closes the communication I am bound to make to you; and in doing which, justice to myself commands me to say, that I have named no man to you with whom I am personally on bad terms, except [John Brown], and that [I must further observe] I have often doubted whether the whole of this matter might not be a mere swindling trick, played off on the Spaniards by our countrymen.

Every further enquiry I make will be to fortify myself against the malice of these men, if it reaches their ears that I have taken concern in the matter. It is a very consequential thing to incur the inveterate malice of the [judges in all the highest courts of the land and the power of the bar.]⁸² And the prospect of this

⁸² Bracketed portion is omitted in the pamphlet.

danger is no how lessened by the recollection, that some individuals have been already ruined in this way and on account of this very business. I am, Sir,

Very respectfully,

Your most obedient servant,

JOSEPH HAMILTON DAVEISS.

Now at Frankfort, 14th July, 1806.

I suspect this letter offended the president. He saw that I now understood him; and I most faithfully believe that he hates every man on earth, who he thinks fully understands him.

Being determined to write the president no more, after such disrespect as had been shown me, on the 14th of August I wrote the secretary of state the following letter.

Sir,

THIS is a private letter. I have addressed seven^{*83} letters to the president; the last five under covers directed to Mr. Gallatin, with whom I stand so connected by official duty, that letters directed to him by me, would excite no particular remark.

The first letter has been answered by the president;—all the rest remain unacknowledged. This circumstance, for which I am unable to account, seems to render indelicate a further continuance of that correspondence. Indeed it might equally seem to make it improper to address you even by private letter; but when the welfare of the community is in question, I will not be ruled by any punctilio or etiquette. [24]

I take it for granted you have seen all my former letters to the president.

The subject of the present conspiracy is spoken of in secrecy by many persons.⁸⁴ is active, taking care, however, to clothe his doings in great secrecy. He made an attempt lately on a young gentleman which failed; he took care to throw out only shreds of the subject; but such, as with the matter I now possess, would satisfy any enquirer of his participation in the plot.

A war with Spain is the first step. That is said by him and

* It ought to have been eight; I stated the number from memory.—Author.

⁸³ Note in original pamphlet by Daveiss.

⁸⁴ Possibly Davis Floyd.

others concerned, to be now inevitable. I think it very important to warn you of this, as it shows you the different influences which will combat your pacific views. The Mexican provinces, and the American possessions on the Mississippi, and the Floridas, are in view. I am unable to collect the particulars definitely. I can only come at an outline; and even so much it will be useful for you to know. These countries are to be a kingdom.⁸⁵ has said that he knows who is to be the monarch. It is neither Wilkinson nor Burr. When I heard this, Moreau instantly occurred to my mind: and I have heard this day, that he is to be here this fall, and go down by way of Orleans, and round to Philadelphia.

I have the most perfect persuasion, that his business is within this scheme.

A war with Spain is inevitable—then our western country is called on for volunteers or drafted militia. These can be influenced into the proper course by their officers, Wilkinson, Burr, Moreau,⁸⁶ and doubtless⁸⁷ himself. So when they get their army right they can proceed to their ulterior purposes.

No doubt all the western waters are calculated on, as falling in with the power possessing the mouths of those waters. This is the best sketch of the affair I can collect, no doubt defective, and very probably in some degree incorrect.

I am sorry that in my last letter to the president, that I exculpated certain characters. One of them is no doubt in this business. I am continually shocked and astonished to find almost daily, new and additional information of the extensiveness of this poison among our young men. The main attempt has been made at our young men of parts. I am convinced⁸⁸ expects the crisis is near at hand. It is taken for granted that the president will make him a general in case of a war—an office for which he is well qualified, where his head and heart are right.

From the information I have received, I am convinced you will upon an emergency find the settlement at Orleans perfectly rotten. There is no true American blood there.

⁸⁵ Wilkins?

⁸⁶ The well known French general, who was regarded with suspicion while in this country.

⁸⁷ Probably Jackson.

⁸⁸ Probably Jackson.

I have obtained very conclusive information as to⁸⁰ but as I suppose he is to be inactive, except with his head, it may do to let you know of his doings at another time. I don't know how far he is into the present scheme.

A new press⁹⁰ is opened at Frankfort, some of the papers you have probably seen. I know not what may be the information of these men. I have been suspected to be a mover of this paper; but I give you my word of honor, I have no hand whatever in it, nor is any of their information drawn from me. They are incorrect in some circumstances; and I observe they say that they know the present state of the conspiracy—but I doubt it. [25]

This paper, however, has fully sounded public mind on the main subject; and I am happy to state, that it is unequivocably on the patriotic side.

I should have gone to the city of Washington, to see the executive upon this subject, and make known all that I have heard, concerning which I have not already written; but from the course my correspondence took, I could not put myself voluntarily in a situation so unpleasant as that in which I should have been at Washington, independent of the appearance it would have carried of seeming desirous of prying into the secrets of state. It is possible that the president might have known that my politics were of the federal kind, on main questions, and have suffered himself to be influenced by it: Yet I cannot suppose, while congress was sitting, that there could have been any difficulty of acquiring such information of my character, as to satisfy him, that no diminution of confidence, at least on a subject of this nature, should be attached to the circumstance of my politics.

A certain very wealthy Frenchman at New Orleans⁹¹ is, I am informed, a prime mover of this business.

I have no wish to draw you into any correspondence. It is my duty, as a citizen, to support my government in a matter of this nature, and to communicate all I may hear or know about it:

⁸⁰ Innis?

⁹⁰ The "Western World," Vol. I, No. 1, appeared in Frankfort, Monday, July 7, 1806. The editors were Wood and Street, and it was printed by Hunter.

⁹¹ Probably Belle Chasse.

of this I am determined to acquit myself, no matter what regard the government may give it.

I have the honor to be,

Your's respectfully

JOSEPH HAMILTON DAVEISS.

Cornland, near Breckinridge court house, 14th August, 1806.

The Hon. JAMES MADISON.

Reader, I take great pleasure in saying, that my opinion as to the patriotism at Orleans, was wholly erroneous. The event shews my information to have been altogether incorrect.

This letter was answered by Mr. Madison as follows.

VIRGINIA, September 18th, 1806.

Sir,

YOUR letter of the 14th ultimo has come duly to hand, and will receive the confidential attention which is due to the nature of its contents and motives which dictated them. The president to whom it has been communicated charges me with the enclosed letter, in which the delay in answering your late letters is explained.

I remain sir, very respectfully

Your most ob't. servant

JAMES MADISON.

The president's letter enclosed is as follows.⁹²

MONTICELLO, Sep. 12, '06.

Sir,

YOUR letter of Aug. 14, has been received. The first of Jan. 10, was acknowledged in mine of Feb. 15. After that, those of Feb. 10, March 5, April 5, and 21, came in due time. As their matter did not require answer, their acknowledgment was postponed to avoid the [26] suspicions of which you seemed to be aware, as well as to wait your return from the journey you had undertaken. The acknowledgments of their receipts is now therefore made to relieve you from any anxiety respecting their safety; and you may rely upon the most inviolable secrecy as to

⁹² This letter is bracketed and marked "Note 95" in margin of pamphlet.

the past any future communications you may think proper to make. Your letters are not filed in the offices; but will be kept among my private papers.

Accept my salutations and assurances of respect,
J. H. DAVEISS, Esq. TH. JEFFERSON.

Good God! was ever anything so astonishing! so unaccountable! That in reply to a letter so distinct, the government should still keep me profoundly in the dark, never order me to do or forbear anything, or give me one hint of their views!

If I had possessed sufficient power, I should have taken the start of Mr. Jefferson by removing him from office.

Thus, countrymen, I groped along in the dark, trying to awake this *snoring* administration; but to no purpose. I continually heard it whispered, that the thing was going on by the privity of the executive; and I was at moments exceedingly staggered relative to that point by the silence of the administration to me.

Moreau was now expected, and I had adopted the resolution of following him to New Orleans, with a view of finding out the precise objects, and the crisis. This resolution I had made known to my intimate friends: but whatever success I should have, I determined to advertise it in some newspaper, perfectly confident that the administration would never take any measure unless pushed head foremost into it by the people, or propelled to it by the immediate pressure of terror. But the general did not come; and I take great pleasure in saying, that the development of this plot we now possess, gives me full reason to believe the general wholly innocent.⁹⁸

I determined to make an effort to arrest Mr. Burr's preparations, which were now publicly talked of, as soon as the court came on in November. On the third day of that court, I made an affidavit,⁹⁴ of my information and belief, as to his expedition against Mexico; and stated to the court, that the law only reached that part of the plot—but my information was equally conclusive, that the scheme embraced New Orleans, Louisiana, and all the western states.

I desire you to remark this particularly. All the papers of the day will give you a precise detail.

⁹³ Moreau did come. Cf. Cox, "West Florida Controversy," 211.

⁹⁴ See p. 152.

I am told that within three hours after this motion, the news reached mr. Burr at Lexington, three and twenty miles off.

So watchful and alert were his friends.

The judge overruled the motion. Before he did so, he in private informed me of his opinion; and told me a grand jury would come at the point as well. I suggested the difficulty of getting the witnesses together, and the examination being in private. He said I had a right to examine the witnesses before a jury. ✓

If I had been right prudent I should have stopped here, having done sufficient to have answered all purposes at an election, more especially as I had stopped at such a point as to make Mr. Burr and his friends applaud my for[27]bearance, and feel friendly towards me for pulling the trigger so easy. But my object was to stop mr. Burr. So I called for a grand jury. They came; but my most material witness failed, and I could not go on; nor could I keep the grand jury there to wait for his return from Vincennes legislature, without vast expense; so they were discharged.

Mr. Burr was careful to enquire of my friends, whether they supposed it was from a sense of official duty, or personal ill will, that I thus pursued him. The gentlemen all answered it was without doubt from a sense of duty. Mr. Burr expressed his conviction; and supposed if that was my motive, my pursuit of him would now cease.

All this was told me, and attempts were made to produce a meeting between Mr. Burr and me. To all which I gave an answer, which put an end to a like conversation in the future. One gentleman, who I know to be a man of the first integrity, and a federalist, informed me that a letter had been addressed by an eminent gentleman in the Pittsburgh country to him, (or one of his neighbors) stating that Mr. Burr was out here to form a personal acquaintance, and it was the intention of the federalists to take him up and run him for president at the next election; but as I had not capacity enough to fathom the depth of this policy, and as I did not wish that federalism should come in by climbing over the wall, however, welcome it might be if it came in by the door, I disregarded the information. However, I had no power apparently to do anything, for on the discharge of the grand jury, the public voice seemed to break forth against me, as one who

had given a false alarm. The crowd had gathered there to see some great spectacle; and the disappointment was insupportable.

The pleasure of some spectacle was the object with them; they reasoned nothing about the main point.

I addressed my last letter to Mr. Madison on the 16th of November, as follows:

Sir,

BEFORE I left home, which was late in October, I had heard such accounts about Mr. Burr's preparations for an expedition about Louisville, that I was induced to pass near Louisville coming up, to satisfy myself on this subject.

I there received abundant information of his preparations. Boats were building, beef-cattle bought up, more demanded in the market, a large quantity of pork and flour in demand, and an attempt to engage men for six months. This last did not come so well verified as the other particulars, though I believe the terms were certainly held out, but the engagement for a short time suspended, probably for fear of drawing the eye of government too soon toward the project. Mr. Burr's accomplices, very busy in disseminating the idea of disunion, as well as sentiments of mr. Burr's greatness, virtue, martyrdom, &c. I had several private informations from men, who I could implicitly confide in, of what they had been told in secrecy by two men who I knew were Mr. Burr's chief confidants and counsellors in this country, which perfectly confirmed my previous information, that Mexico was the first object, the Mississippi the second, and the Ohio the completion of the scheme.

When I got here, where the assembly had met, I found a great abundance of mysterious whispers, that government were in the secret, and the affair going on by their instigation. [28]

I determined at once on an attempt to arrest this proceeding, which I could not suppose to be with the privity or knowledge of government; or at least to draw the public eye on the affair, and put the people on their guard in respect to it. But as the only sure way was that of bringing Mr. Burr up for examination on affidavit, in which case, witnesses could be sent for and examined at several times as they could be procured, I adopted the mode, and made such a motion upon an affidavit, which ere this I suppose you have seen in some newspaper. The judge over-

ruled it. I then thought it incumbent on me, to make an effort to collect the witnesses before a grand jury, though much doubting my success. A grand jury was ordered; but my principal witness as to stores and supplies, engaged and engaging, had gone to Vincennes legislature, and could not be had, I thought it not discreet to go into an examination, unless the necessary witnesses were present, as the scheme would gather strength by a failure. So the jury was discharged.

Davis Floyd, the witness who was absent, is the man with whom mr. Burr last year formed connections, when he first came here; and who has been his quarter master general in all these preparations. The design and intent would have been satisfactorily proved; but the preparation of the means was an indispensable part of the charge to be substantiated.

Unless the law is altered and much amended, there is little reason to believe, under, the opinions of this judge, that anything can be done of a preventive nature by a grand jury; such is the difficulty of getting together at one time the necessary witnesses.

I consider him clearly possessed of power to make the examination in or out of court—to bind to good behaviour, and recognize the witnesses to appear at court; but as he does not think so without some legislative declaration, he will not do it.

I never knew, till I made particular examination, that no law forbids an attempt to disunite the states.

I observe the act on which I have been proceeding, authorizes the president to call on the militia to prevent such unlawful expeditions. But no authority is appointed in such cases to examine witnesses—to judge whether the scheme be of that nature—nor to seize the stores prepared—nor to bind the offenders to good behaviour.

I note these things, contemplating the possibility of some legislative interference on the subject, to amend and declare the law. I shall continue to watch the motions of Mr. Burr, though I know not in what way I can with certainty obstruct his course. The crisis is near; the preparation of so many perishable stores assures me of this, independent of the information I have received. I have no doubt you will discover in the end, that a great number of very wealthy men in the Eastern states, are in this project.

It is somewhat like Cataline's conspiracy, as it respects its leader and his adherents. The same means and address are used;

and the same kind of desperate characters engaged in the scheme. Men without fortune or expectation, save from some revolution. Great and indefatigable attempts are making here, to render Mr. Burr popular; and they are not without some effect.

He seems principally to address our young men; and with a success at once astonishing and mortifying to a true American.

No doubt is left with any one who hears what is said by his intimates, [29] but a separation of the union is the ultimate purpose. They speak of it as a very advantageous event,⁹⁵ and one without which this country can never prosper. Mr. Burr is more circumspect on the subject. He says it must as necessarily happen, as that the ripe fruit falls from the tree; but it would be folly to think of it, in less than 8 or 10 years: From which I take his statement to be, that it ought to happen as soon as possible. said, that the attempt for that purpose would be made in less than two years; and would succeed. A man of undoubted credit, who heard him say so, accused him with it, face to face, in Frankfort, a few days ago.

In my list of names to the president, last February, I mentioned two men, who, in a subsequent letter, I stated to be erroneously mentioned as concerned in the present plot.

I have no reason to believe them connected in it now; and for that cause deem them wholly innocent.

I also stated that \$100,000 had been disbursed by Spanish agents: of this I asked the very man who it should have come from; for he was said to have seen the boxes packed up, and freighted for this country: But as he declined giving me any positive assurance of the fact, I have supposed it untrue, and that it arose from the fact, of which no doubt can be entertained on the information I have received, that this sum was offered by Dr. Powers to certain leading men here. But I believe it was refused; and instead of his view being responded, a minister plenipotentiary was dispatched secretly by the Spanish government to make a treaty, which finally fell through, because they asked three per cent. on merchandise, exported by us to their ports.

These corrections I deemed necessary, lest you should be misled by my previous letters.

Upon a subject of this nature, it may be proper for me to

⁹⁵ Cf. Taylor's *Autobiography*.

let you know what reaches me by report, although in the end it may be erroneous.

It is said that⁹⁶ of Tennessee, has been organizing volunteers, and has two companies complete; and that preparations as extensive are making for Mr. Burr's enterprise in Tennessee, as here.

I do not vouch for the truth of these stories; but they are so probable, that I deem them worth communicating.

If any act of mine is not in harmony with your views, I assure myself you will excuse me. You know that I have been all along in the dark, as to the sentiments of government, on this subject.

I give this as a reason of any possible infringement of your plan. My want of information as to your views, has been very distressing to me, although I have not much cause to complain, as your experience shews, that almost every line you write finds its way into the newspapers, and becomes matter of public animadversion. Indeed it is very probable, that the president did not imagine the crisis to be so near.

It is said, you have failed in your attempt to buy the Floridas.⁹⁷ My knowledge of this scheme, gave me a full expectation of such an event. A war is now looked for most anxiously by these adventurers; and they count upon it as certain and inevitable. It will be with extreme exertion that you will be able to avoid it. Had it come a year sooner, they would not have been ready for it; were it delayed a year longer, their preparations would go to pot before the crisis: if it happens now, it will come in the lucky moment for them. [30]

What maritime force can Mr. Burr have engaged to co-operate with him?⁹⁸

I received the day before I left home your letter; and one from the president. He does not acknowledge the receipt of my letters of the 28th and 29th of March.

JOSEPH HAMILTON DAVEISS.

16th November, 1806.

THE HON. JAMES MADISON.

⁹⁶ Jackson.

⁹⁷ See I. J. Cox, "West Florida Controversy, Chapter VII.

⁹⁸ Martin, *Hist. of La.*, Vol. II; p. 271.

This was written in a moment of uncommon illumination; for the president recommends laws upon all these subjects.

Now mr. Burr's tide was making very rapidly; and threatened to swallow me up. The current came up so strong, that I was broken loose from my friends, and there was a period, at which, for several days, there was only two or three men in Frankfort, even in that public time, to whom I could speak without reserve or restraint; and only two houses into which I could enter, without the risque of an unwelcome countenance. I was fair game for every one. The *genuine republicans* left no efforts unemployed to injure me; and every one of these Espaniolized Kentuckians, not one excepted, were Burr's friends, and my persecutors. The people seemed to vie with each other in folly, and a zeal to distinguish and caress this *persecuted patriot*. Balls and parties were held for him.

The secretary told me, that the governor⁹⁹ laughed at the idea of Mr. Burr's expedition—so assiduous had those people been in plying him with falsehoods on this subject, for no one doubts his being a patriot.

You remark in history, that there are times in which whole nations are blind: this seemed to me to be one. It appeared as if Mr. Burr had wrought a spell or enchantment on the whole people and their magistracy.

I received information about this time, that Floyd had returned; and I called for another grand jury, and gave them indictments against him and Mr. Adair.¹⁰⁰ When addressing the grand jury, I was informing them that as this was a matter of a secret nature, and in which witnesses would not depose unless drawn to the point of enquiry, it would be well for them to demand my aid, in which case I would examine witnesses before them. This, of all things, Mr. Burr determined to avoid. Much argument took place; and the judge decided, that if the grand jury called on me, I should not go to them to examine witnesses. Had the judge told me that at first, I should not have put the government to the expence of a grand jury at all; for I knew the

⁹⁹ Christopher Greenup.

¹⁰⁰ He averred knowledge of Burr's project, but denied his participation in it. Cf. *Marshall*, II, 409. He followed Burr to Nashville after the trial at Frankfort.—*Barry Papers, Amer. Hist. Rev.*, Vol. XVI, 330. For arrest later, cf. *Adams*, III, 324.

witnesses could never be brought to tell what they knew without close examination.

They all swore ignorance; and the grand jury prepared an address to the court, over and above their finding. This you have seen. It gave the lie to every suspicion. A great majority of that jury, were honest simple men, who had no idea what they were doing; but the active instruments of that address, made it, no doubt, wholly with a personal view, to bury alive a man, who should stir a question that brought to the peoples mind the old Spanish business; and thwarted our good saviour, mr. Burr, in his patriotic endeavors to give a wider spread to republicanism. It was received with great pleasure indeed—ordered to be recorded—a copy allowed—and hand bills printed before night.

Now the flood seemed to assuage a little; and the clouds began to break away, though very slowly. The people were not satisfied at my be[31]ing prevented from examining the witnesses; and the address was too good, and made the point too clear. Having been once disappointed they did not look for a spectacle: they began to think and add up, and found the result of the addition unsatisfactory.

Mr. Burr stayed in town, I think one or two days; and then started for Nashville.

On the 14th of December I left Frankfort, abandoning every further pursuit of the subject, expecting Mr. Burr would succeed in the first instance, and it would only cost the lives of a few thousand men, divided between the sword and climate to reinstate us.

I arrived at Louisville, fifty miles from Frankfort, the 16th of December; from which I wrote the governor the following letter.

AT LOUISVILLE, 16 December, 1806.

SIR,

Today certain vessels of Mr. Burr's flotilla, departed from this place. First two keel boats built here, one above and the other below the falls. The latter constructed for 16 oars; the size of the former not known; then six large flat boats; then four keels from Marietta; and lastly, two other flats—making in the whole eight flats and six keels. I arrived about two o'clock: just previous to which, the men for the flats had rendezvous'd at

Jeffersonville, and fired many volleys of small arms; and the men at the boat yard say, from the sound, that they fired also a field piece; but this I can't yet ascertain.

Soon after I arrived, the four keels from Marietta crossed the falls in my view; and soon after, two flats from Jeffersonville—not having, as we hear, stopped any where since they weighed at Marietta. We soon went down to Shipping Port, to see the boats; but they made no stop only for a minute at Clarkesville, to let Mr. Blannerhasset get out, who will go in the boats that cast off tonight. Several of our company went over. Mr. Norborne Beall, of that party, this moment has returned; and tells me that mr. Blannerhasset informed him, that the government had stopped the sailing of nine other boats from Marietta, one of which was for the use of his family, and had ordered himself to be apprehended, and that no bail should be taken for his forthcoming, in less than \$50,000,—that to avoid so arbitrary a proceeding, he had slipt off with three boats, and they could do without the others. Mr. Beall saw six men lifting a box on board, which, from its length, he supposed to contain musquets. Mr. Beall observed, that he saw no women or children on board. Blannerhasset said, that might be accounted for by the inclemency of the season.

Is it not astonishing that our people should, for a moment, be gulled with this despicable foolish Ouachita¹⁰¹ story?

There is something remarkable in the concert which seems to be observed between the several parties. Blannerhasset shipped off from Marietta, he says; yet this day was the rendezvous of the people here; and it appears that the arrival of these boats was their signal for sailing. Perhaps a courier by land, might produce this concert. This morning mr. Fitzhugh saw two very heavy boxes, which he took to be musquets, put into a drayman's carriage, from the house of mr. Berthoud, to go down to Shipping Port. The drayman said they were arms.

Gen. George R. Clarke, saw there a few days ago, a number of boxes, [32] which he was satisfied were for cartridges ready made up; being of the very same appearance with such boxes sent formerly to him.

The idea of a settlement at Ouachita, is now wholly exploded I am told by those concerned.

¹⁰¹ McCaleb, "The Aaron Burr Conspiracy," p. 83.

I cannot look on and see the sovereignty of my country set at nought, in this manner, without unspeakable distress; a distress much increased by a knowledge of the exemplary assiduity which has been employed by printers, accomplices, and insinuating friends to treason, under the garb of patriotism and candour, to lull my government and country into supineness, upon a subject so interesting to the American family.

What is to become of our merchants, in all ports subject or appendant to France or Spain, when the explosion takes place? What would become of one of our seaport cities, should one of their fleets find its way there? The country ought at least to be apprised, that as much as possible may be rescued from the just vengeance of our neighbours.

Mr. New, the collector of the port ¹⁰² is on board. So you are not to expect that these people, will make an entry in this custom house and clear out? In making this communication, I discharge my duty as a citizen. I leave the duty of government to its high magistracy, only observing, that if any thing is done, it must be with expedition, for at the mouth of Cumberland they will again rendezvous, as I am told.

JOSEPH HAMILTON DAVEISS.

The GOVERNOR.

This I understand, he had before the assembly; and while they were on the subject, mr. Jefferson's agent¹⁰³ had arrived there, and was examined with closed doors.

This was my last effort. I came home to my farm; on the Ohio, where I have since remained.

About the middle of April, I understood that I was removed from office.

On the last day of that month, I fell in with a young man, named Jackson, of Virginia, on this way to the mouth of Cumberland, to summon witnesses against Burr, having been at Frankfort, Louisville, &c. for the same purpose. He had not summoned a single witness.

He had with him from three to four pages of printed interro-

¹⁰² Louisville, at that time, was a port of entry.

¹⁰³ John Graham, Secretary of Orleans Territory.

gatories, drawn up by mr. Attorney General Rodney,¹⁰⁴ to shew to persons he should enquire of for testimony.

One of them was, whether any force was embodied on the Ohio? And another, of whom Burr got the Ouachita land?¹⁰⁵ I told him to summon on both points; and I see in the papers he has returned without summoning a witness to either.

He told me, that a mr. Drew had been appointed to summon all over the westward, under whom he acted—that Drew told him, that after Burr's being bailed at Richmond,¹⁰⁶ Rodney went to Washington to see the president; and that he (Drew) had to wait three days, before Rodney had done conferring with the president, and preparing to dispatch him. This young man was the sole judge who to summon, having blanks with him; and he was certainly young, illiterate, and seemed wholly ignorant of the world and of business. *He had no intelligence of any person in Kentucky, who could inform him where testimony might be had.*

The judge, at Richmond, has said, that collecting a force is requisite to [33] constitute treason—as this was unquestionably done on the 16th Dec. at the Falls, and on the 22d at the mouth of Cumberland, and as the present attempt is fully *mature*, and managed by the highest council and wisdom of the land, we must expect mr. Burr to be convicted of treason.

I shall not be surprized, however, if it turns out another Miranda affair.¹⁰⁷

Stricture On The President's Communication Of The 22d January.

Mr. PRESIDENT,

I HAVE arraigned you before this people, for neglecting your guardian duties over them—for violating their constitution and laws—and for rendering an unfaithful account of your agency to them and their councils. Part of the evidence

¹⁰⁴ Cæsar A. Rodney succeeded John Breckenridge.

¹⁰⁵ See Evidence of Colonel Lynch, *Annals of Congress, 1807-08*, p. 657.

¹⁰⁶ For Burr's sureties, see *Annals of Tenth Congress, Session I*, p. 389.

¹⁰⁷ The collector at the port of New York allowed Miranda to escape. This gave the impression that the government was willing.

I have laid before them. I now proceed to extract from your own report, the residue of what I intend to offer. If I transgress the limits of fair and legitimate observation, let it be set down to malice.

When you were required to state your doings on the subject of the conspiracy, you felt how indispensable it was to your popularity, to make such a report as would exhibit that *vigilance* and *energy* on your part, for the want of which, this people, when duly informed, will receive no possible excuse or apology. It was therefore necessary to state the date of the *warning*, given to you, in such a manner, as to tally with the measures of prevention you adopted.

You say, "sometime in the *latter part of September*, I received *intimation* that designs were in agitation in the western country, *unlawful and unfriendly to the peace of the union, &c.*"¹⁰⁸

"*The grounds of these intimations being inconclusive, the objects uncertain, &c.*" If you had not said *September*, I should have been positive you pointed at my letter of 10th of January, which tells you that "a separation of the Union in favor of Spain, is the object of Spanish intrigues and traitors in our country." Yet this is twelve months prior to the time of your communication, and nine previous to a single step taken by you.

Was this no such *intimation* as you would regard—was there none in my subsequent letters—was the conduct of Mr. Burr in his journeys, unworthy of notice—was the receipt of the pension from Spain, by the judge, wholly trivial—were Wilkinson's intrigues immaterial—was the offer of \$200, to the citizens of Woodford, to stand centinel for the king of Spain, no ground for suspicion—was the memorandum sent from Tennessee to the gentleman in Lexington, a matter unworthy observation, when connected with Mr. Burr's other movements? Then we will pass by all these things, till the fourteenth of July. Here I tell you the project is "to cause a revolt of the Spanish provinces, and a severance of all these western states from the union, to coalesce and form one government." What better do you know about it to-day, than this? Seizing the bank, and corrupting individuals, were only subordinate measures—[34] were only pointers to the pole. Let it not be said that a revolt of the Spanish

¹⁰⁸ Eaton's interview, Sept., 1806, first alarmed Jefferson. See Testimony of Gideon Granger in *Quar. Pub. Hist. and Phil. Soc. of Ohio*, Vol. IX, 1 and 2.

provinces is problematical. It might be so in fact, but it certainly was a part of the scheme. Burr's ciphered letter,¹⁰⁹ shews that emissaries were with him, to let him know the people were ready for, and desired his arrival. His accomplices (one of them at least) stated privately to more than one person of this state, the readiness of the Mexican country to revolt—and that their chief ecclesiastical characters were for it.

What do you now think of those troops on the Sabine, sir? I have no doubt they were there for this very purpose.¹¹⁰ They as fully understood Wilkinson, and Wilkinson them, as two of your departments understand each other. The information I had given you, would have made any magistrate ready to suspect this, save one who had learned human nature in his closet, by studying natural philosophy.

You proceed, "it was not till the *latter end of October* that the *objects* of the conspiracy began to be *perceived*." Just Heavens! Mr. President, what are you saying?—Have you forgot this same letter of July?—Have you forgot that of August the fourteenth, which states distinctly what came from a leading chief in this conspiracy—and both of which state the thing exactly as it came to pass?

Pity—pity, for my chief, arrests my pen from pursuing a point, so mortifying to the pride of the American nation.

I'll relieve you for a moment from the wheel. You say the objects then began to be perceived, "but still so blended and involved in mystery, that nothing distinct could be singled out for pursuit." Downright Irish—They were then perceived, but not perceivable. "Nothing could be singled out for pursuit." And what did you want to single out? What did you ultimately single out? Why nothing at all. You issued a proclamation; and why could not and ought not that to have been done, when you *began to perceive* those unperceivable machinations? When Genet, our dear brother, began to excite our citizens to rise and form an army to descend the river against the Spaniards, president Washington did not wait for singling out anything: he issued a proclamation;¹¹¹—this roused the country,—it undeceived the multitude.

¹⁰⁹ *Wilkinson's Memoirs*, Vol. II, p. 316, 317.

¹¹⁰ See *Annals of Ninth Congress*, p. 925. Wilkinson wrote to Cordero that he was moving toward the Sabine with no intentions hostile to Spain.

¹¹¹ See *Gayarré*, III, 341, 342.

who had been told the government connived at the thing—this checked it. Had any further attempt been made to proceed, it was then, and not till then, he should single out and pursue.

“In this state of *uncertainty* as to the *crime contemplated*.” Most atrocious Irish. Why in the name of God, what was it you did perceive Mr. President? You perceived the *objects* of the conspiracy, but still *uncertain* as to “the *crime contemplated*.”

“The *acts done*, and the *legal course to be pursued*.” Most gracious chief, will you vouchsafe to inform me, *twilight plebeian*, what you really do mean here by “the legal course to be pursued:” for I declare solemnly, it is wholly incomprehensible. The expression is so blended and involved in mystery, that I can’t single out a single idea, of any kind, to pursue. “The legal course.” There is but one act of congress that forbids such enterprizes; and says the militia may be called out to prevent them. The punishment is another department. But what remedy did you adopt? (Countrymen listen!) You sent an *agent* with power and instruction *to investigate the plots*—to confer with the military & civil officers; and with their aid *to do on the spot, whatever should be necessary to discover the designs of the conspirators*—*arrest their means*—*bring their persons* [35] *to punishment*—*and to call out the force of the country*. What kind of an agent was this? You made him a president. What sort of authority did you delegate? Whence came your power to constitute a deputation of this sort? How were the designs of the conspirators to be discovered, by the help of the civil and military officers?

You depute one to do those things, which you alone are equal to in proper person; and to do things which you cannot do. What do you mean by arresting their means? Is it seizing the boats and stores? There is no such law. And this is what you do intend by these words; because another member of the sentence [sic] is to suppress the enterprise.

The history of our young government cannot furnish a like outrage on the constitution. What was your cry, and that of your partizans, when judge Bee departed from an order, perfectly lawful, by president Adams, in giving up Jonathan Robbins,¹¹² without requiring sufficient proof. You condemned the president, even for the act of the judge. Yes, sir, and had he given this

¹¹² Adams, II, p. 333.

deputation of power, and you been longing for his seat, we would hear of nothing else for months: And had his agent exercised these powers, my mind can scarce reach the extent of your sentence.

Let us go on: "By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio, and its waters." By what time? the last of October—and what else did you want to perceive, to make a proclamation requisite, unless you wished your agent to go to the spot, to find out the *legal course*, concerning which, you were still uncertain.

Then we come to the communication from Wilkinson.¹¹³ Are you, sir, really so weak, as not to perceive, in that letter itself, irrefragible evidence of Wilkinson's guilt? The whole paper is written to a man who fully understands already, all the circumstances of the subject. Nothing explained; I have commenced *the enterprise*; *the project is brought to the point so long wished for*; provisions are forwarded to points Wilkinson may name, &c. To go on with proper quotations, would be to transcribe the whole letter. Yet with your papers sent by Mr. Ellicot, (speaking of them by guess) the effort made about the territorial governments, my letters, the Spanish pension, Burr's movements, the troops on the Sabine, and this letter, you stand up and panegirize this man.

—O TEMPORA! O MORES!—

Mr. President, you must have known better; there is something in this, infamously mysterious. I take the true and real state of the fact, to be this: You slept amidst all my attempts to awake you, and probably similar endeavors by others— You sent an agent, who was about returning to Orleans on his own business, merely to see if any thing was the matter, but possessed of a full set of presidential powers. He was scarce gone when Wilkinson's letter waked you with a clap of thunder. His defection from Burr, saved you from a dreadful catastrophe; saved you from disgrace—and probably, the deprivation of your office. You were so filled with fright and joy, that you caressed Wilkinson, as a deliverer; and tell the thing with all the puerile trembling gladness of a boy, who tells his daddy how near he escaped being bit by a rattlesnake.

¹¹³ Letter from Natchitoches, Oct. 21, 1806.—*Wilkinson's Memoirs*, Vol. II.

Now proceed: "Wilkinson's letter and other information," developed Burr's general designs! What not till then? How far did these differ from my information? "At which time, therefore, it was first possible, [36] to take specific measures." And what did you take? A proclamation.¹¹⁴ Now what would you call a general measure? You issued orders of a general nature, to the posts. And why could not this proclamation and these orders have been issued upon general information, without knowing the crime contemplated, the acts done, or legal course to be pursued? "A little before this the agent had opened himself to the governor of Ohio." Now, Mr. President, my utter want of documents, (even my newspapers which have been torn up) disables me from stating any thing about this matter very precise; but I have the fullest belief, that this is not the fact. That legislature, if I am not mistaken, were proceeding with closed doors, on this matter, several days before your agent crossed the Ohio at all.¹¹⁵ On the 6th of December, the seizure was made; and, if I am not deceived, it was early in the previous month, they were aiming to possess themselves of the case, and to act upon it.

*I do aver that that state was in commotion about this business long previous—and yet you state this thing, as if they had been as supine as yourself, until the arrival of your confidential budget on the spot, at which spot he got his information. Your story is not the fact; but it has the advantage of which Voltaire boasted, when corrected about a point in his history: *It is prettier than the fact!**

Now I come round to the place where an honorable niche is cut in the wall for me.

"In Kentucky a premature attempt to bring Burr to Justice." How was it premature? Is it because I had not sufficient evidence for his conviction? Look over the names of the witnesses, and you will there see the most notorious accomplices of Burr—men who to divers persons, had before that time, stated their knowledge of the matter in such a way, as to make their participation unquestionable. One of these was the person alluded to, in the letter of the 14th of August, who stated to the young man, the views and objects of the project: and, although that young man backed out in the most infamous manner, upon his oath before

¹¹⁴ Issued Nov. 27, 1806.—*Annals of Ninth Congress*, 686.

¹¹⁵ See *Taylor Autobiography*.

the grand jury, yet it is manifest, *from the tale itself*, that he told the truth at *first*; for the story then told, turns out to be *the real plot*: but add to this, he reported the same thing to three other gentlemen, with whom I have conversed.

Now was not this man alone, sufficient evidence whereon to proceed? Could I foresee that he would swear ignorance of what I could prove he knew, if such proof were admissible?

Then comes the man of whom Burr bought Bastrop's land,¹¹⁶ to settle gulls on, and whose house had been a home to Burr. The speculating turn of this man—his conversation—his expressive declarations, one of which foretold the separation of the union—his intimacy with Burr, and all his known accomplices, left no doubt in any man's mind of his ability to testify. Then comes the gentleman of Jeffersonville, Burr's quartermaster-general.¹¹⁷ He has lately made a confession in writing to governor Harrison. Were the proceedings to be had against Burr this day, it would be absolutely impossible to select better witnesses in Kentucky than I had: his noted agents and accomplices. I am not to be responsible for the refusal of the witnesses to testify.

But come back to your word “premature”—it seems to mean that I began too soon, in point of time; I ought to have waited, till I could have matured the matter, and made a safe shot. O fie Mr. President! [37] O fie! it's horrid to hear you informing congress without your knowing any thing about what you speak of, and shaking your statements so as to suit your fraudulent claim to public confidence & applause. All Kentucky knows I had not one day to loose; *now or never*. After the jury were dismissed, Burr staid a day, perhaps two, to save appearances and get a ball,¹¹⁸ then started, and I have heard it reported an hundred times, that the third night after, he slept in the neighborhood of Nashville, two hundred and fifty miles off—Did this look like a man who had over staid his time already, or one who had so much time to spare, that I might have taken a few more days to enquire and prepare. The first mentioned witness started from Frankfort in equal haste, not allowing the taylor time to finish his servants coat, as I often heard. He tired his horse

¹¹⁶ See Note 88.

¹¹⁷ Davis Floyd.

¹¹⁸ Daveiss refused to go to this ball. See *Taylor Autobiography*.

before he reached Hartford in my county, crossed at the ferry at Caney late at night, which is miles from Hartford, and rode to Craven's one mile from Hartford, before he slept. Does this look like prematurity; or does it seem as if I had run time to the lees.

Since I have been writing, I have seen a member of congress, who at Washington city, heard you speak of this thing.—You said I had been officious and did not understand the thing; you seemed vexed about it; I confess sir, I was officious; I have been very officious about this business from the first; but look at my letters, sir, and be vexed for your own *unofficialousness* of behavior. Whose fault is it that I had not instructions from government?

If I had suffered Burr to slip off, and said nothing, how universally I ought to have been, and would have been cursed! How could I have answered for falling asleep on my post? But "the arrival of your deputy president awaked us to the truth." Would to God this inspired youth had returned back to Washington, and *awaked his master to the truth.*

Do you dare to say, sir, we did not understand the true state of this matter here before your prophet came? Look at my affidavit and observations on the 3d day of November—I have no copy of them but I do positively assert, that I there state, (and pray the judge to cause enquiry) that Mexico was the first object, the Mississippi the second, and the states of the Ohio the *fini* of the project. Your agent came here about the 20th of December or later; and fifty days *before*, I had made this statement: to wit, about the time he left you, to travel out here to resolve you, certainly, as to the *legal course to be pursued.*

If the judge had not baulk'd *this officious attorney, without understanding the matter*, would have saved you from making a report wholly derogatory to your station.

Look at my letter to Mr. Madison of 16th of November, more than a month before your agent came.

Reader examine my affidavit and statement, and the president's report, and then say who had devoted himself most assiduously and successfully to the investigation of this treason, the president or myself. By the 3d of November I had stated this thing *fully* as to its material parts, and *truly*, and singled out my main measure and means for pursuit. At that time the president began to perceive it, but it was still unperceivable to

him—It danced before his eyes in a kind of a Jack-in-a-lanthorn manner; so he sent off to see what it was.

No, Mr. President, *your agent was believed*, when he told the things which for near two months I had been crying out in the streets, without being regarded; *that's the fact*. Your agent had touched the hem of Jefferson's [38] garment; he had your *name*; Omnipotent talisman! O, sir, had you sent me one of your boots in October, I could, with the knowledge I had, have fixed the whole affair.

But let us pursue this agent; he got a law passed in Kentucky, ordering the militia instantly to different points, &c. ("In the mean time the boats crossed the falls,") what "mean time?" Why, sir, while the law was passing. "Not apprised till very lately that boats were building on Cumberland." You were apprised, sir, that there were preparations generally there; boats were not named, nor were flour barrels; but both must be supposed when you hear of preparations. "I trusted to the effect of the proclamation, &c. &c. &c." Now, reader, the true state of the matter is this:

On the 27th of November the proclamation issued.

On the 16th December I saw the flotilla cross the falls in a fine flood; 14 boats. I wrote the governor. After that letter and about the 20th the agent came to Frankfort (I was not there, so don't know precisely.) On the 23d the law passed, *and the agent went on* toward Nashville.

On the 19th an express was sent by the president from Washington to Nashville.

On the 22d Burr went from the mouth of Cumberland by water; the boats from the falls were with Burr that day. They crossed the falls the 16th about 11 or 12 o'clock; in thirty six hours they arrived at my house half way to the mouth of Cumberland, so that the 20th or 21st *they must have been there*; and *they actually were there*. That point is sixty miles by water from the Mississippi. Now see what follows, and blush for our president. "Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of Ohio, is still doubtful.

Is it possible that our great man did compose and that congress did really swallow such a piece as this! An event stated to be doubtful which it is absolutely impossible (from dates and geography) could have happened. "By the same express orders were sent," &c. This is three setts of orders. But I consider every thing of this sort after Wilkinson's letter as mere affectation and display, or the workings of your trembling nerves; for when Wilkinson deserted, the heart of Burr's whole project was broke, and every man of the least discernment must have seen it. New Orleans was then safe.

Then comes some more praise of the general.

Notice is particularly due to the ensuing paragraph.

You state that surmises of foreign instrumentality in this enterprise are inadmissible, because we are in the paths of peace and negociation with our neighbors.

I have remarked for many years sir, in your addresses, the most wonderful ignorance of history and human nature. I have sometimes doubted whether it was not mere affectation, to catch the star-gazing multitude, by making out that government was a very simple easy thing, that would go on by itself without the guardianship of talents or exertion. But I perceive you are really in earnest. In your communication of 1805, (which I am sorry I cannot lay my hand on) relative to our relations with Spain, in two different places you calculate the event, from a sense of national *jus[39]tice* and honor in the Spaniards, and a *due estimate of interest as well as character*. Why, whoever heard such a speech from a politician? All history is little more than a catalogue of crimes and wrongs of nations to each other. What would have been our fate, had we confided thus in England in 1776? What the fate of the Dutch under Philip 2d, or the Portuguese under Philip 4th? The Swedes under their oppressors when Gustavus Vara relieved them? But why attempt an enumeration which must fill a volume? What was the late fate of Poland, when she had her safety in the justice of her neighbors? The *later* fate of Holland; Helvetia; Belgium; Italy; Portugal? To what point has this wise confidence brought the skeleton empire of Spain? that of Austria, and the oppressed king of Prussia; where would England have been now if led by such a politician as your excellency?

In your address of this year (which I have not) you state,

doubtfully, whether a law is wanting to repress and punish attempts against the integrity of a country so free, and where the citizens are so powerful as ours; as if this was not the very country where ambition has the fullest scope, fairest prospects, and least control. What country or government on earth has escaped these troubles? Or do you really think that human nature will turn out otherwise in this hemisphere, than it has done in the old world?

In your last you can't believe foreign influence to be exercised because of our pacific dispositions. Why is there a more stale and hackneyed trick among nations than to make an attempt after unguarding the adversary by negociation?

The Carthaginians treated until their strongholds, their arms, and the city gates were in the hands of their enemies. The same snare was laid for Louis 14 by Mar[1]borough; but it did not take. The Greek empire at Constantinople was overturned, by the turk, fighting and treating, and treating and fighting, till he found an opening to make a lunge in *quart* at his adversary and lay him dead at his feet. The Dutch when treating of peace with England, entered the Thames and burnt the English fleet.

But instead of quotations, a general reference should be made to all history.

How many lessons has France taught us all, within the last seventeen years on this subject? But come to the last year: For what were those troops on the sabine? and how reconcile this with your Godwin theories.

I am sorry sir, that my limits are so small; I must proceed to your last paragraph.

This states that citizens had been seized and shipped, and accounts for it by the disturbed condition of Orleans.

Pardon the plainness of my language, Mr. President, but when I read this paragraph: when I reflect how much, and how long my country has been abused by this rotten and corrupt member, and what reasons and evidences you have to shew you his falsehood and treachery; and when I see the poor pitiful attempts of your *terror-born* gratitude, to extenuate & plaster over this man, to whose abomination you are solely indebted for your disgraceful deliverance, my soul is filled with the most unspeakable contempt for Thomas Jefferson, and the deepest grief, that the chair of state is not filled by a man whose honesty, dignity and energy are

equal to that mighty station. The people have been seized and shipped,¹¹⁹ "probably on the consideration that an impartial trial could not be expected, [40] during the agitations of New Orleans, and that city was not as yet a safe place of confinement."

O potent constitution! O government of laws! thus sported with and trampled on!!! Had this been done by president Adams; the very parrots would have been taught to say *habeas corpus*. Your *genuine republicans*, have been laboring to whine tears out of our eyes about a lying caitiff of a printer in New England, sent to jail for a libel, after regular trial in court;¹²⁰ but here our first magistrate stands forth and mildly seems to dispense with our whole constitution, bill of rights and laws, which secure personal liberty.

The Pope is God, and God is the Pope.

Come back a little to your sentence; the men have been shipped to you, probably on the consideration, that New Orleans *will not admit of an impartial trial, nor is a safe place of confinement*. Most infamous! And with this you send congress documents to shew that your general has the city under his feet. Your viceroy Claiborne, is hardly a shadow, and your judges (attend country-men) your judges have laid off their robes, abandoned the sacred judgment seat, and became the general's privy council. He *consults with them* who to arrest, and how to proceed. If impartiality of trial cannot be had, the error is *against* the accused, on which account we all know they never would have been sent away. As to the safety of confinement, that's mere sham. We can all judge on that point, when the general reigns absolutely both on land and water.

"Both as to place and *process* as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of executive means, should the judges have occasion to use them, render it equally desirable, for the criminal as for the public, that, being already removed from the place where they were apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction."

¹¹⁹ Erick Bollman, Peter V. Ogden, Samuel Swartwout, James Alexander.
—*Amer. State Papers, Miscell.*, p. 470.

¹²⁰ Matthew Lyon.

Most mighty chief, don't let your wrath burn against me, and vouchsafe only for once more to explain in the vernacular tongue what you do mean here; for as God is my judge, it is so blended and involved in mystery that I can't single out a single atom of meaning for pursuit. "As to place" What? Bring the man one thousand miles in a prison ship, to ask the hierarchy of powers in what *place* they should be tried? Every county court lawyer knows.

The presence of the supreme court; why how were they to act; nobody on your side of the house imagined they would dare a *habeas corpus*; nor was it clear, or is now, that they had power. They had never done such a thing before.

The means of pursuing a *sounder* course *here* than *elsewhere*; how in the name of God—Give me just a little hint of what you aim at?— "The aid of executive means should the judges have occasion to use them"— Just Heaven! is the man talking in his sleep? "*The first regular arrest* should take place *here*." Good republicans; ye who understand the words of light and wisdom, help me I pray you out of this dismal cave of perplexity, where not a ray of light shoots down "athwart the gloom profound."

"And *the course of proceedings* receive *here* its *proper direction*." Why [41] what's the meaning of this? Is the president imitating the prophet Ezekiel or the Revelations?

"*The course of proceedings* receive *HERE* its *proper direction*."

Spirit of immortal MIRANDOLA! descend in thy light and strength;— bring with thee thy famous THESIS, consisting of nine hundred propositions of cabalistic learning; for behold I have a paragraph of presidential cabalistical scripture to lay before thee, at which I will give thee nine hundred fair trials, and if thou can single out one distinct and sensible idea in the whole paragraph, I will fall down and worship thee!!

Mr. President, there neither is a meaning, nor ever was intended that there should be one in this composition. Your excellency has resorted to your characteristic quadruplicity of style. Your fine artificial tissue of words, to an ambiguous, abstruse, unintelligible set of pretty sentences to *lullaby* the ear of congress and indispose them to examine the conduct of your saviour general.

So I take my leave of you, Mr. President.

COUNTRYMEN,

I have gone through the narrative I desired to lay before you, and the observations I thought proper to submit relative to it. You can now judge how I have acquitted myself toward you, and toward the government, and can decide how the president has acted toward you and me.

When you see the president's communication analysed and examined you find he has done little or nothing at all towards defeating this conspiracy. After it has been completely crippled by Wilkinson's defection, then great display of zeal and orders were exhibited. When the feathers are picked off his report you can see no carcase left. To the eye it was all plumage, to the ear *vox et nihil preterea*.

Countrymen, if that unforeseen event had not happened to Mr. Burr, we would not have regained our peace without much effusion of blood. If Wilkinson had adhered to him, the boats seized at Marietta would have been no obstacle to his success. No men were seized, and the commerce of the river would abundantly furnish food for a party unprincipled enough to seize the bank for their support.

It is possible that the president supposed that my fear of publishing the *names* communicated to him, would check my publication of his imposition on you, as to his vigilance.— He was mistaken—I sincerely wish those names not to be published—I have enemies enough by this matter already—but if they are, I am ready to meet the consequences.

My publication may be supposed to proceed from vindictiveness—those who will think so will not alter their opinion from any assertion to the contrary.—I do not deny that I utterly despise and scorn the president for his treatment to me; but I assert that from the first moment his communication appeared, I resented the imposition on the nation, and can name the persons present.—Yet I don't know that I should have made any publication, in print, if the finger of public disrespect and suspicion had not been pointed at me as it has been.

But countrymen, the wrong done me, is less than nothing, even in my own estimation, to that done the nation. To neglect forestalling such a conspiracy, when informed of it as the president has been, is a great and gross violation of the executive duties. [42]

To give such an authority as he did to his agent, is to set

at naught our great charter, and the limitations of powers where-with we have deemed it material to our liberties and the perpetuity of our rights to environ and entrench our executive.

To order, or to sanction or ratify such outrages as Wilkinson has committed, is a prostration of that part of the constitution most intimately connected with the citizen's liberty.

But that the great chief of the nation should utter even a *scin-tilla* of falsehood when standing up to inform the American body, has in it something so stupendously monstrous, as to eclipse the whole catalogue of crimes in individuals; even treason itself. Whether therefore it be set down to malice, federalism, or candor, I care not, but I solemnly assure you, that were I in congress, I would move an impeachment against Thomas Jefferson, for his negligent and flagitious conduct relative to this conspiracy.

COUNTRYMEN,

Nothing has given me greater astonishment and concern than the alarming behaviour of the senate. It seems as if the influence of that brigadier-general had poisoned the whole great fountain of executive power. Look at the law passed *all in a jerk* by the senate to suspend the habeas corpus¹²¹—At the very time, when throughout America, it was known that the cloud had discharged all its lightning and the danger was over—At a time when the documents before the executive shewed that the conspiracy was thoroughly crushed:—all this—for what, countrymen? to hoodwink you—to dupe and deceive the people; to cheat the people into a forged, fictitious, counterfeit acknowledgment, that the citizens had been abused, as they have from good cause apparently. Thus to bring off their general.

COUNTRYMEN, I endeavored to arrest those doings, and with my whole heart bent on doing it; but whoever imagines that I will justify an abuse of the law, and bill of rights against a citizen, *unless the country's safety absolutely depends on it*, is much mistaken. I declare to you that not the slightest shade of personal motive was mingled with my proceedings. I now regret exceedingly, that I should bring Mr. Burr's name before you, because he is fallen and unfortunate. In a different course of fortune he would probably have been a shining character—especially in military life.

¹²¹ *Annals of Congress, Jan. 26, 1807.*

In the above pages do not imagine that I intend to disparage the democratic class of our citizens; but I do mean to point out to you the folly of considering this name, or that, as indicating friendship to the community and a claim to your confidence.

I have omitted a point of respect equally due to myself and my successor (Mr. Bibb.)¹²²—Let no stranger imagine me dissatisfied with the man by whom I am supplanted; indeed I am not; he is a man of talents; a sterling fellow; and a true American.—When public clamor was loudest, after Burr's acquittal, he came to Frankfort, and condemned the people's error in the most public and independent manner. Should a similar crisis occur, I have no doubt he will act much as I did; with more judgment and ability, I will not deny, but his object will be the same with mine.

GENERAL WILKINSON,

You feel deeply aggrieved, I have no doubt, by this pamphlet. Sir, the courts are open to you; and that you may have no difficulty in select[43]ing the actionable words I now distinctly state, "That you have been, for years, a pensioner of Spain, and have held secret intelligence with that power; and you were engaged in Burr's conspiracy and deserted him."

JOSEPH HAMILTON DAVEISS.

Cornland, 22d May, 1807.

The first rough sketch of the president's communication to congress, on the subject of the conspiracy, translated into prose, and embellished with sundry matters of fact, never heretofore in print.

JANUARY 18th, 1807.

Gentlemen of the senate and house of representatives,

ABOUT twelve months ago, I was informed by letter from Kentucky, that intrigues were there secretly carried on by traitors, whose designs were a separation of the western states from the nation in favor of Spain, and that a gentleman of high rank in

¹²² George Bibb had succeeded Thurston as circuit judge in Nov., 1804, and filled Clay's place in State Legislature.—*Palladium, Nov. 17, 1804.*

our army, had for many years, been clandestinely a correspondent of the Spanish government, and a pensioner of that power.

My informant was a man of undoubted integrity, but one who thought in politics after the manner in which we call heresy, so I paid little regard to it, not even thinking worth while to desire any one of the true faith to look into the matter. I determined to reserve myself for events. Sundry other communications, from the same hand, reached me soon after, and the communicator of his own motion, undertook a journey to collect information and documents for the developement of the plot, but not being supported by the executive as he thought he ought, he declined the pursuit.

However, on the 14th of July he gave other and further views on the subject, stating to me that the object was to revolutionize the Spanish provinces and the western states, and to form them into one government. By another letter dated 14th August, he stated distinctly what had been delivered by one of the leading conspirators, in confidence to a citizen whom he endeavored to seduce into the scheme, and was in full and complete corroboration of his letters of the previous month, and a specification of the particulars of the plot, whose general bearing he at first announced. But inasmuch as the latter communications varied from the first, with respect to the interest which Spain was to have in the event, and some other features, I concluded it might be a mere federal trick of our anti-revolutionary enemies.

However, about the latter end of September, some other *intimations* reached me to the same effect. I began now to think there was something going on, but not having any idea that Mr. Burr would attempt to surprise us, or hurry the nation out of the paths of peace, I waited one whole month, to wit, till the latter end of October; and the secretary of Orleans being here, and about to return back, I thought it well enough to desire him to go through Ohio and the western states; and gave him full powers to do or to undo as I myself could in every event.

Indeed, when I gave this power I did not reflect, or examine on the legality of it; for I had little idea it would be necessary to use it in a country so highly prosperous, and where every man, in one sort or other, exer[44]cises the sovereign power. Previous to this, but about the same time the objects of the conspiracy began to be perceived, and we had advice of suspicious persons and preparations of boats and stores on the Ohio and its waters.—

But although they began to be perceived, yet they were not perceivable—so as to be interdicted by a *proclamation*, which I call a *specific* measure. In short, gentlemen, although I sent my agent forward, yet when I cast my eye over the state of the country, I thought it was all smoke, and still slept quietly.

What ground could there be for any insurrection, where every man was not only as free as he wished, but a sovereign to boot?

However my agent arrived at Ohio state, just *after* that state was thrown into commotion by the proceedings of Blannerhasset and others; and the preparation of such a fleet at Marietta and other places; but before the thing came to the crisis which it visibly and rapidly approached, my agent spoke secretly to the goveror, so as to get the credit of the whole, should events make it desirable; and my agent actually witnessed, *with his own eyes*, the efforts of the commonwealth to arrest the progress of the conspirators.

He then proceeded to Kentucky, to put the energies of the state into action. Previous, however, to his arrival, the attorney of that district, from whom I had received the communication first stated, not knowing what the government intended, nor imagining that they cared or intended doing anything about it, threw the barriers of the law in the way of the conspiracy, and did everything in his power to arrest the project by calling upon the most notorious and leading adherents of the faction to testify against their chief. But what by one means and what by another, the conspirators and a numerous class of patriotic friends of the *old school* in Kentucky, burst through the gate and trod him and the barrier both in the mud. This gave Burr such an unfortunate opportunity of hastening his equipments that the flotilla crossed the falls on the 16th December to the amount of fourteen boats in a fine flood, under command of rear-admiral Blannerhasset.

Soon after this, to wit, about the 21st or 2d of December my agent arrived at Frankfort to rouse the energies of that state, and did it so effectually that by a law of the 23d of December a brigadier-general with his power was ordered to be stationed above the falls,¹²³ (over which the flotilla had passed seven days before the act passed) so that should any attempt be made to row back the flotilla *up over the falls*, it would fall into the clutches of the general as in a fish trap, and be secured. And in consequence

¹²³ See *Barry Papers, Amer. Hist. Rev.*, Vol. XVI, 330.

of the same law, orders were sent to the mouth of Cumberland (three hundred miles from Frankfort) to station a regiment there for the same purpose.

But here I run before the due order of events; (for all these things were unknown to me when they happened.)

On the 25th of November I received a letter from general Wilkinson, by which, to my unspeakable astonishment and terror, I found that the plot described in all the previous communications I had received did exist sure enough, and a terrible one it was too; and on the point of explosion. (Good God, says I! can it be possible! What can infuriate Burr to this anglo-monarchico conduct! What will become of me should Wilkinson have been shaved and tied by the whore of England? [])

But upon reading a little farther I found that that high officer had got [45] *scared* at the looks of the storm he and Burr had blown up, found that it might blow down his own marque, and hastened to risque himself, by alarming me to the utmost of his power. I now saw the cloud darkening down over my head, while I thought the weather was clear, and never was president so terrified by vice-president, as I by this little sir Aaron. Only think what a hurry of spirits, what a hysterical whirlwind of fidges I was in, to be waked from my slumbers in the dead of night, with the sound of a storm just at hand, and a universal cry that the ship was on Cape Hatteras.

Now had I all the parts of a president on my hands at once, and such a *potheration* as it threw me into you can't imagine. I sent expresses, couriers, heralds and agents in all directions. I sent a herald at arms to Wilkinson, begging him to *stop at nothing* now, that the government was at a dead lift. I told the herald neither to eat nor sleep by the way—stop for nothing—and should he find one of Phoebus's coach horses at grass by the road, just saddle, mount, and stick the spur into him, without saying a word to anybody. And should he fall in with Mercury, and find him disengaged from Mr. Burr's employ, just hand the paper to him, and beg him to push his best, for God's sake, and he would eternally oblige me; for I should be ruined forever if this thing went wrong.

Everywhere had I dispatches to send, for ordering, planning, prevention and punishment.

It was a time that tried horses souls.

While these efforts were making at the capital, my agent in the west was most assiduously employed in his useful labors.

Having secured the exertions of Kentucky in the important matter above stated; on the 23d of December he left Frankfort for Nashville, to put into activity the means of that state also. Although by the communications first mentioned I had *intimations* that this enterprize was working in Tennessee also, which was strongly fortified by the known fact of Mr. Burr's having spent so much of his time there, and the people's fondness for him, yet as the word *boats* was not mentioned to me, I trusted to the virtue of the proclamation in that quarter, which would fully check anything but boats; but having lately learned that boats were building there, I on the 19th of December dispatched communications and orders there; but as I am now fully informed that on the 22d of December the boats cut loose from the mouth of Cumberland in a fine flood (about or a little after the Ohio boats which passed the falls on the 16th), and as my agent left Frankfort *the day after the event took place and the law passed there*, and as he and the law had three hundred miles to go to the scene of action; and as the scene of action had started one day before them, three hundred miles ahead, with a good flood, mounted on boats which would neither tire or get out of wind; and again: as my messenger aforesaid had six hundred miles to go and only three days the start of the scene of action; *I have some doubts whether either my agent, my messenger, the proclamation, or the law of Kentucky, can do anything to arrest these boats, or those from the falls.*¹²⁴ More especially, as in twelve hour's sail they would be out of Kentucky, and in about sixty more out of Tennessee state also. Matters however, are so arranged by my agent, and the law he got passed in Kentucky, that should head winds meet and blow [46] this fleet back, they would soon be reinstated in their former views of their own danger. To be honest with you gentlemen, my agent kicked up a dust wherever he went, but did nothing at all.

On the whole, this armament can threaten no serious danger to New Orleans, inasmuch as my general is there, and with the honor¹²⁵ of a soldier, and the fidelity of a good citizen, is zealous

¹²⁴ This note in original.—“Read this paragraph in the communication.”

¹²⁵ An expression used by Wilkinson at times when his actions might be regarded with suspicion.

to overact his part, so as to wipe off or redress every suspicion of his treachery towards Burr.

Having mentioned to you my haste and anxiety to communicate orders and wishes to the general, I have the pleasure to say that I find by late advices from him, he needed no spur. For on the moment of his apostacy to Burr, and his being reinstated in his former views of his own duty, he burst the Lillipution ties with which the whore of England had bound him, and also the Lillipution ties of the *constitution* with which that same harlot bound us all in our first slumbers, and he blazed out a comet of patriotism, consuming every thing in his way, terrifying the city, frightening the women and children, and seizing and hiding everybody he hated or suspected where nobody could find them.

Indeed I must own gentlemen *that the failure of the enterprize has been wholly owing to this man's betraying Burr, and to no act of mine whatever.* For in the first place I got no information that awoke me until his arrival, so I should have issued no proclamation until my agent had written me, which would have delayed that matter until the blow was struck, unless my agent or my governor Claiborne had paralised them all by their presence.

I rejoiced when I heard that Wilkinson had shipped the traitors, like live stock, and they were coming round to the Chesapeake.

But one thing lies a little heavy on my mind—it is this: at my first inauguration, I particularly noted in my creed, the subordination of the military to the civil power.—But now the thing is sadly reversed—my general has trodden the law in the dust; set at naught my courts to their faces; and swaddled my governor in his sash, and laid him to bed, like a great baby. But gentlemen beware instinct—instinct is a great matter. This general felt himself in a most uncommon predicament, from which nothing could extricate him but uncommon measures. I would blame the general, but that I am so glad to think what a scrape I've got out of by his means.

In my same speech I mentioned the sanctity of *habeas corpus*.—So I do still. But that city of Orleans is now so stormy, that there was no expectation of the poor men accused getting justice there, so I think the general has done for the best to ship them here, duty free, just to see them have right done them. While therefore I do not deflect in the slightest degree from my first creed, I must approve of those men being sent one thousand

miles of stormy sea under an *irregular arrest*, to be brought to this place where there can be a good *sound* regular arrest, and they be given up to the functionaries of law, who shall direct both the *place* and process of trial. The *executive means*, is a great advantage in favor of this course: For although our constitution and nation are expressly jealous of any intermixture of departments, yet at New Orleans the advantage of that court using executive and even military means, are so apparent, that no doubt but the judges here will feel the importance of such aid.

Surmises have been hazarded, gentlemen, that this enterprize has received foreign aid, but this idea is without foundation or *probability*. Is [47] there any instance of a nation while spinning out negotiations (as Spain has with us) endeavoring to strike a blow at her adversary? Let history answer the question.

Indeed the unaccountable length of those negotiations and the troops on the Sabine look a little mysterious, but we may safely confide, that a due estimate of interest as well as character will induce the Spaniards to do us the justice we are bound to expect.

Accept 1000 salutations.

T. J.

Some notes left out in the communication, finally dressed up and sent to congress.

YOU will observe, gentlemen, in one of the papers sent herewith, a plan for defending Orleans. In this a river fleet, gun-boats, bomb-ketches, and floating batteries are recommended; these things would so greatly increase the public expenditure, that I would submit to the national legislature the wisdom and expediency of continuing to defend that important pass as we now do, by the simple contrivance of a *floating general*—one who will intrigue with our enemies but still fly off in time. Indeed were such an expedient used with a few gun-boats at the harbor and city of New York it might effectually quiet that city, and put an end to the pesternent they gave us about fortifying their port—and if made for each port of the country, the divisions between states would soon disappear, and we would all amalgamate into one homogeneous mass.

Finally gentlemen, the said attorney for Kentucky, having

drawn on himself the enmity of many good republicans of that country, by his efforts to save the country from the mania of Burrism and this enterprise, I have thought it best for the infant establishment to turn him out. For like all other politicians of the world, I execrate Macheavelli, but like all of them, faithfully pursue his lessons; and in this, I adopt the idea of Caesar Borgia, who sent a just and strict governor to Romagna, to put a licentious and refractory people in order; which being effected in the course of a year, to the displeasure of the malcontents and their friends—Borgia went down thither, and finding the object fully answered, he hanged the governor in the market place to please the malcontents. Thus bringing the state into order by means of the governor, and their killing him to become popular with the insurgents.

Besides, gentlemen, the idea I expressed to the merchants of New Haven some years ago, I find still to gather strength from experience—that the federalists never die nor resign—and in whatsoever state they remain in office, the doors of honor and confidence were burst open in vain.¹²⁶

POSTSCRIPT.

FROM certain expressions in the foregoing pages, it might be inferred that I approve the administration of Mr. Adams; but I do not. I approve the system he intended to pursue, but I condemn his manner of pursuing it. He intended to pursue Washington's *principia*, but he so marred or missed it, that he brought great scandal and obloquy on that system of politics, which in my opinion went as far towards democracy and republicanism, as it is possible for any system to go and yet live even for one century in times of peace.

To the majority it may seem unintelligible, that I should neither approve the past or present administration, for in common view those seem to fill both sides of the question—so to render myself intelligible, I shall give a cursory view of our whole course of government, which I acknowledge I rather seek occasion to do—though I regret that the very contracted limits of this tract, will reduce what I shall offer to a hasty glance.

¹²⁶ See *Jefferson's Writings* (Ford's Ed.), VIII, 70.

Sketch Of The Political Profile Of Our Three Presidents.

IT is very difficult to speak justly of men we admire or dislike. He who attempts it in times of faction must look for his reward in his own consciousness; for few will agree that he is impartial, and still fewer that he is just in his decisions. By looking back at party questions some years after the crisis are past, we are sensible how false our reasonings and views were, when influenced by the heat of the moment; so it is not to be wondered at if one is found incorrect in speaking of recent party transactions.

The question on which America was divided, when the present constitution was under consideration, is the same on which the factions were formed in President Washington's time, and on which they now are divided, and I have no doubt will be, while the present constitution exists; for both branches of the controversy flow out of that instrument, to wit:—How far the government shall be national, or how far a government of states. The anti-federalists of 1788 opposed the constitution, because it would make the government too national, and diminish the powers of the states; the present anti-federalists pursue the same principle—*their judgment is, that ours should be as little a national government, and as much a government of states as it can be under the constitution.* The federalists intend *that it shall be as much a national government, and as little a government of states as it can be under the constitution.* This I understand to be the true point of difference between the parties. The consequences may be easily imagined. One party reposes the American prosperity in the strength of government, the other in its weakness. One longs to be rid of federal courts, mint, revenue laws, bankrupt laws, navy, and everything which can bring federal government to the eye or mind of the people. These hold [49] out congress to be a kind of diet, where the ambassadors of the states under the name senators, meet and represent the 17 sovereign powers to treat together about the common defence and welfare. So far has this idea gone, that you see the states that have returned to right sentiments—in their public councils, say that they will *instruct* their senators, and *request* their representatives to take certain measures. The other party says that as far as comes within the sphere of congress, we are to be viewed as a national,

consolidated government, (though out of that sphere we are a government of states) and that the congress are our true and proper legislators, without any one characteristic of a peculiar or extraordinary nature; they say that the national government is full weak to answer either its external, or internal purposes, when all its powers are brought into action. The national welfare therefore requires that it be displayed in its fullest plenitude, and be made as much our domestic government, as the state of society will find uses for it.

President Washington at once lent his whole power to nationalise the government and invigorate it—he had soon and deeply felt the folly of calculating any thing on the simultaneous unanimity of thirteen sovereign states—many a sleepless night had it cost him to save the people from falling victims to this dearly beloved curse.—But he had to begin at a very gentle pace—public stomach was yet puny, it could not digest much federalism at once—the government had just been born, and it was without treasury, without revenue, without resources, without laws, arsenals, navy. Had nothing but a young, brave, enthusiastic nation, a vast galaxy of heroes, sages, and talents, and a chief who stood above all rivalship, and was able to combine all its powers, and lead them towards greatness. Every administration is characterised by the individual and personal character of the man who leads it. None more so than this. His power lay in the soundness of his judgment, in practical matters, and his great secret was a predominant wish to judge right. It will be said that many have this wish; so they have, but it is not the predominant influence, it is combined with some other wish or feeling which is stronger than it. Personal feelings whether of friendship or dislike, or party purposes, never found their way into this man's bosom; he had that firmness, and that loftiness of soul which could never be reached by these vulgar motives. The former part of his life proves this; never did any man give so exalted a proof of his greatness of mind as he did, in adhering to his own course of warfare, notwithstanding the cries and contumely and reproaches of the people, and notwithstanding the increasing danger of being supplanted in his command by consequence of it. This could only be equalled by the just and noble conduct he adopted toward a man fixed on by a faction as his rival, and by whom the fairest hopes of glory and success were cruelly cut up in one hour at Monmouth. All the world must agree that such a man

was born to lead, and that his administration is wholly untinged by party. Yet this great man's course in the government, though worthy absolute approbation, was not free from its intervening faults—these in my judgment, were the following.

1st. He appointed the Chief Justice of the United States an ambassador.¹²⁷

This was breaking in upon what I would have a fundamental principle, that is, that you ought to insulate and cut off a judge from all extraneous inducements and expectations; never present him the jora of promotion; for no influence is more powerful in the human mind than hope—it will in time cause some judges to lay themselves out for presidential favor, and [50] when questions of state occur, this will greatly affect the public confidence in them, and sometimes deservedly. No district judge should be made a circuit judge, no judge whatever should be made Chief Justice; every vacancy in the bench should be filled out of the barr direct; thus you cut off from every member of the bench, all possible idea of an ulterior object, and so fix his impartiality as far as human means can do it. The moment a man is placed on the bench, whether it be District Circuit or Supreme Court, he ought to say to himself, "now I am at the highest point I can ever reach in this course; this is the last appointment I shall ever receive from government."

2d. He kept a minister at the court of France,¹²⁸ whose sentiments and conduct were utterly repugnant to his own, and only congenial to those of a certain faction here, who were smitten with all the French *mania*, because it was so corroborative of their anti-federal sentiments. This has been a source of an immense train of evils to America, and entailed on president Adams the principal difficulties of his administration. This minister mingled souls with the wild jacobins—gave them vast ideas of the number and cordiality of their Gallic friends here, and made them see and feel that the government and people of America were on different sides—the people longed for the fraternal hug, the government only was against France; what a dreadful curse! Look at his book¹²⁹—look at the president Barras' speech¹³⁰—I have it

¹²⁷ John Jay, first Chief Justice after the establishment of the government of the United States.

¹²⁸ Monroe.

¹²⁹ *A view of the conduct of the administration in the management of our foreign affairs for the years 1794, 5 and 6*, by James Monroe, published by Bache in the fall of 1797, after Monroe's return from Paris.

¹³⁰ McMaster, Vol. II, p. 370.

not here, but the English of it is this, "farewell dear brother, we deplore that the Americans are saddled by a cursed government, which is going contrary to their views and wishes, which are ours also—we send no greeting or word to your government, but tell the good people we love them, that in you we see their representative." The mournful fact is, *that man was a French minister, appointed and kept in pay by America.* Though very honest, he could not judge right, because his wish to do so was weaker than several others wishes. See what a rage France fell into on his recal; this proves it conclusively. As soon as Pinckney came within hail, he was ordered off.

I am astonished that president Washington should have kept him there one day after his conduct about the treaty of London came to light. Whoever reads the documents, will see clearly by attending to them with their dates and circumstances, that *the treaty of London went down well enough at Paris, until such time as they got information from America.*¹³¹ Do you think they would let their fine growing party here fall out of countenance? Would they not act up to the limits that party predicted? Yes, they did too.

3d. His idea of the power of congress concerning that treaty, tho' partly right, was in my opinion partly wrong. A resolution was carried to call on him for the diplomatic correspondence, instructions and papers relative to that treaty; he refused, and considered it as an encroachment. As far as it called for the correspondence and papers it was so, but as far as it called for the instructions, and as far as it presumed the power of congress to judge of the treaty and refuse to carry it into effect if bad, I do not approve the president's opinion, though I am not clear on the point. It brings to my mind the question about the constitutionality of a law, of which each department has a right to judge for itself as far as its intervention is necessary to the effectuation of the law.—So here, every department or branch of a department whose intervention is necessary to the effectuation of a treaty, has a right to look into it and judge of it. [51]

I observe that the English house of commons asserted, and finally carried this point about the treaty of Utrecht in the year 1713. That treaty contained commercial regulations highly un-

¹³¹ See *Writings of Monroe* (Hamilton's Ed.), Vol. II, where his letters to Madison and the Secretary of State show the feeling that prevailed in France.

favorable to England; the house of commons would not effectuate that part of it, and it fell.

4th. I do not approve of the law for the bank, though I have no doubt it is highly convenient to government and to commerce, yet I do not discover a power in the constitution to pass it, unless in the district of Columbia.

With respect to the treaty of London, it seems to me proper that reparation ought to have been made for the slaves and property carried away contrary to the treaty of 1783; and that government ought in no event to have assumed the debts to subjects without some adequate reparation being made for the detention of the northern garrisons. But it is very probable that the best treaty was made that could be obtained, and I would rather have taken this than went to war. The *opposition* were vociferous for hostility—they thought we could make such treaty with England as we pleased. It will be shortly seen what vast improvements they will make on the commercial treaty of 1794. That they have sent home is a precious one indeed—it engages us to league against France. At Washington that is stated to be no part of the treaty but a diplomatic note; but I observe Lord Howick states in parliament that it *is a part of the treaty*.

So much for the administration of this man whose general course I exceedingly admire, whose faults I look on without severity, because I am convinced he labored to avoid all fault; and whose leading trait was so highly exemplary—a sense of justice and right above the reach of all passion and feeling. He is the only man I know of since Aristides to whom the verse of Euripides applies:

“To be and not to seem is this man’s maxim;
“His mind reposes on its proper wisdom,
“And wants no other praise.”

President Adams.

THIS was as honest a man as ever lived, but he was so subject to defluxions of feeling and passion on his mind, that the correctness of his judgment rarely corresponded to his general wish. Besides there was a natural unsteadiness, a want of harmony and system in his views—the current of his mind came like an uneven wind—in flaws. I have sometimes doubted whether this

appearance did not flow from two other circumstances: one of which was, that his own judgment being in favor of monarchy, yet he being too honest to attempt insinuating it clandestinely into the American police—he was forced to act continually a studied character foreign from his own opinion, and of course unsteady; the other is, that he was surrounded by a body of aids, who had been heated in the furnace of party hotter than himself, and who always rode with spurs, and sometimes without bridles—these often gave him his motion, and at times breaking from them he assumed his own, and thus presented a fluctuation in his decisions. I have no doubt that his suddenly reining in when his party would have had him declare war against France was the cause of his being thrown to the ground much sooner than he would have been. [52]

I have two leading objections to this man's administration.

1st. Money seemed to be valued at too low a rate, and handled too freely; and 2d. Every thing was done too much in the spirit of party. By the first let it not be imagined that I allude to any dillapidations of him or his officers: such imputations had a vast effect on public mind, but they have been since proved infamous calumnies. I mean that the drains of expenditure were too numerous, the desire to increase the catalogue of officers was too great. I am not sufficiently acquainted with the channels of commerce to judge of the legations to Lisbon, Berlin, and the Hague, or of mr. Jefferson's vacation of them, and they are but trifles in themselves. I disapprove of his appointing his son a minister at the Hague and afterwards Berlin,¹³² but a more intimate acquaintance with the New-England customs excites mere charity for this; providing for ones own connections is a very common use of power there. If a gentleman from Virginia should behave as general Dearborne has done, sticking his own family into all the offices of his department, nothing save the utmost party heat, could check the whole patrician corps of Virginia from cursing him in the open streets. Yet I suspect it is not the subject of particular remark in New-England.

His war measures were a leading objection to him, but I cordially support him in these. He appreciated truly the importance of supporting the dignity of the nation, and the still greater impor-

¹³² J. Q. Adams was appointed minister resident at the Hague, May, 1794. For his appointment to Berlin, see *Monroe's Writing (Hamilton's Ed.)*, Vol. III, p. 106.

tance of keeping alive the military spirit of which no nation ever gave more hopeful presages than ours. Our respectability was much enhanced in Europe by exhibiting a resentment so highly American, tho' our means were yet small. As to the army, nothing ever so much surprised me as to find in 1801 that the whole republican party were in the dark as to its objects—they suspected it was to make war on our people, and many other things equally probable and practicable. The inestimable Hamilton who understood this thing fully as well or better than Mr. Adams did, told me, it was intended to declare war against Spain, (from whom we had received many abuses in the West Indies) at the same time with France, and to march and seize the Floridas and New Orleans, after which the war would shape itself. I am sorry war was not declared when it ought to have been.

For a doceur of \$50,000 he could have avoided this great expenditure, or at most the purchase of a few Dutch descriptions with it; but he could not submit. Our present glorious chief will never be brought into scrapes in this way; he will not buy peace neither—no: nor make any loan committing our neutrality, but he will buy a sand-bar in the Gulph of Darien,¹³³ or some such thing, and give France and Spain as much money as they want, *provided they will make peace into the bargain.* Look at T. M. Randolph's letter to the people session before last; every man of sense who sees it will swear it was composed at Head-quarters. Their s[c]heme is to pay France and Spain two millions for East Florida, provided they will *into the bargain* give up West Florida, which honestly is ours already, and settle the western boundaries of Louisiana, and adjust our claims for spoliations. I like the idea—it puts me in mind of the hucster women at public places, who to avoid the laws against retailing spirits, *sell* you an ounce of bread for nine-pence, and then *give* you a half pint of whiskey gratis.

3d. This administration seems remarkable for a course of true and proper motives pursued in a wrong way. For instance: was ever any thing more indiscreet than the sedition law at the moment when public mind was decidedly in favor of the administration, and the minority were redoubling [53] their efforts to avoid being swallowed up. It certainly was a law perfectly just and necessary, but it happened at a very unfortunate season. Noth-

¹³³ West Florida.

ing could have been more opportune for the minority—still they could not have succeeded had not the violent spirit of the administration assisted them in alarming the people. We could never expect great unanimity among men against a law to punish lying; but the people in many parts of America were fully possessed of the idea that the law was made to suppress *opinion* and truth. As to its constitutionality, tho' out of my course, I cannot resist the desire I feel to bestow a paragraph upon it. It may be said that the matter is past, and is now an old thing not worth speaking of—I say no countrymen—this is a very proper season to treat these controversial subjects. The heat of the day is past—you can now look back and reflect, without the interference of your passions, which infallibly mislead us all, and by forming a satisfactory judgment of the past, you are much assisted in forming one of the present and future.

As to its constitutionality, no lawyer will deny that in a constitution as in a statute, introducing a new law, affirmative words imply a negative, and *e converso*. For example, when the constitution says that the legislature of each state shall elect two senators to congress, a negative is implied that they shall *not elect more than two*; nor shall these two be elected otherwise than by the legislature. On the other hand when it says that no state shall *without the consent of congress* lay an import, an affirmative is implied, *that it may do so with the consent of congress*; and so on throughout the instrument. When it says the people have a right peaceably to assemble and petition for redress of grievances, a negative is implied that they shall not assemble with force and arms for that purpose, or that under color of this right they shall not assemble in such a manner as to excite to insurrection against the government. Now come to the article in question. “Congress shall make no law respecting an establishment of religion, *nor prohibiting the free exercise thereof*.” Here the negative expressions imply a plain affirmative, that Congress may make laws *securing and protecting the free exercise of religion*. If the persecutions of the old world should be attempted here between catholics and protestants or the like, Congress ought to interpose and secure the free exercise of religion. “Nor abridging the *freedom of speech*”—Now when the word freedom is used, I understand it to mean a rational liberty comporting with the social condition of mankind in a community.

It never can mean especially in a social compact, that exemption from all restraint and control, which implies the state of nature and tends to reproduce it. Let us be more explanatory—Is a speech calling upon the people to take arms and oppose the government out of the reach of congress? Cannot this be punished, or is a law for that purpose an abridgement of the freedom of speech? Again, “The right of the people to keep and bear arms shall not be infringed.” This is a freedom of the very some holy nature with the other; but will any man venture to say that congress *abridges* or *infringes* the sacred freedom by declaring that none shall come armed to an election, or into a court of justice, or place of divine worship; the freedom of using arms as in speech is a rational liberty, and to be used, but it has its bounds. This shews you I hope, that my view is correct in saying that the negative words which say *Congress shall not abridge the freedom of speech or of the press give them a positive right to pass any law comport[54]ing with the national nature of their duty, upon either of these points, correcting any abuses, and which leave their true political freedom uninfringed.*

It will here be asked, can congress make laws to forbid profane swearing, as not comprised within the freedom of speech—Can they say how arms shall be worn, and what and when—Can they say what solemnities shall be observed to render lawful a meeting of the people?

I answer—No. The duties or powers of congress cannot be extended to local police: those of a national nature only are within their sphere: to enquire what are these, the nature of a national constitution must be observed and is particularised in this instrument itself to be the *general welfare*; for although I am not one of those who consider the general words of that instrument as superceding the special, yet neither do I consider the special as superceding the general; but that the true construction of this, as of all other papers in law, is that which will make all the words stand together, and give each a full and rational import; and if any conflict should then appear, the general words ought to yield to the special: but along with this rule I lay down another, which would again become a party question—that is: in every fair and candid doubt, the bias of the mind should fall in favor of the nationality of the government. Congress shall not point out *how* arms are to be worn; but they may say there are certain times

and places in *which the citizens shall not wear arms*; and there is a certain kind of popular assemblage which shall *not* be lawful.

Much stress is laid upon the 12th amendatory article, that all powers not delegated remain; but I never could see any thing there, but a superfluous precaution; the case was so without such article. It is said that no power can be taken to provide for general welfare on account of this article. Why—how so? The first power and duty of congress is “to provide for the common defence and general welfare of the United States:” all powers not given are reserved; *but this general power is given*, therefore not reserved. So the constitution is not one jot or tittle otherwise than if this article had not been there.

One of the first national ideas must be the preservation of the government itself. It was often asked, why extend this privilege to the president? it is not the privilege of the man I contend for—it is *the people's privilege*; it is the privilege of the community, that their tranquility shall not be disturbed by slanders on their public magistrates. Justice is done incidentally to the individual citizen, but the object is the people. I demand, was it a public or a personal matter, that in 1800 we should be so infamously imposed on by detailed and circumstantial accounts of Pickering having plundered the public chest, and Dexter having burnt the war office to screen himself from examination?¹³⁴ Ninety-nine men of one hundred believed these accounts (in the Westward): for my part I had no doubt of Pickering's peculation, seeing a copy from the books of his office; and when I came to see how we had been abused, and brought to cry out against and denounce as villains, just an honest officers, and change our administration, sufficient to put to death the imposter who had disturbed the land, by bearing false witness in so important a point.

Again it was said, let the president bring his action of slander. When we look at the past 18 years, and see how the president has been abused, and find that no president has chosen thus to right himself, it appears to me, we should set down as wholly fanciful such an idea. If Mr. Adams has sued for the slanders on him, he must have had at least one dozen of agents [55] in constant pay, to attend his suits. And besides, what an unpardonable prostration of the dignity of the nation? Add to this, it is positively

¹³⁴ *McMaster, Vol. II, 517-519.*

improper that he should sue—for he appoints and removes at pleasure the marshall who selects the jury.

Give me leave to add one more observation. It is repeated that a personal act of slander ought to be brought: this, to my understanding, is giving up the point of controversy to all intents and purposes; it is admitting that *the act of the printer is unlawful in itself*, because it would subject to an action, then how in the name of sense, can it come within the legitimate meaning of the word *freedom*. If I have a right to maintain an action of slander against you, the proceeding is predicated on the single idea, *that you have transgressed the lawful freedom of speech*. Your liberty of speech extends to the limits of truth—there it stops. And when it is asked, how far congress may go with their laws against libels, I answer there is one fixed and infallible touch-stone—the truth. They cannot punish by prosecution and abuse, save such as would support a civil action. Many of our state constitutions express this idea definitely, declaring the liberty of the press, but that the citizens shall be responsible for its abuse.

So much for this excellent but ill-timed sedition law.

4. As to the Alien law, I blame the president as the head of the ruling party. The evil aimed at was most wisely conceived, but the remedy was wrong in principle, and must operate so in practice. I consider the influx of aliens into America, as a great and serious evil.¹³⁵ The emigration of mechanics hither, is highly desirable; but the emigration of your European politician—your men of talents—your French Democrats—United Irishmen, &c. &c. is an evil never sufficientl deprecated. The emigration of foreign printers I consider one of the greatest curses that has ever befallen America, under the present government. It was highly expedient, when about to enter into a war, that these men should be silent and neuter, or take part with the government. I recollect that it was said at the time that this was a federal scheme, to silence the opposition of aliens; or if they spoke to make them speak for the government. To be sure these were among the reasons; and were ever motives more wise and laudable? In times of peace it is excessively impertinent and indecorous for foreigners to be meddling in our affairs; and it often may effect our foreign relations; but in times of war it is wholly intollerable, and not to be endured but with the most immediate danger.

¹³⁵ For the attitude of Kentuckians toward the Alien and Sedition Laws, see *Marshall, Vol. II, Chap. VI.*

The evil therefore was well conceived—but why put the remedy in the hands of the president? This I reprehend, because it is certain that he must always go upon report and information, restrained to no rules of enquiry; and the alien very often might fall the victim of private malice. An inquest ought to have been held upon the warrant of a judge or some civil officer, to inquire whether the alien held forth speeches or practices against the government; and the finding of the inquest ought to have been forwarded to the officer of state: then let the president at his discretion have him bound to good behaviour or remove him off. I never was able to comprehend the arguments about constitutionality, which were resolved to the power of the states to admit migration or importation until 1808. I do not discover any repugnancy in inviting a stranger under my roof; but adding that he must not meddle in my family affairs; and if he does, must take part with me, or leave my house altogether. It is said by a committee in congress, that this clause alluded to slaves; but the word migration [56] seems to have a different bearing. I am however inclined to believe that the use of two expressions, *migration* or *importation*, instead of one, was only precautionary, and that the importation of slaves was its only object; because the latter part of the sentence provides for a tax on such persons so imported, and because I do not observe that any state ever passed a law or resolution on the subject of foreigners emigrating here; and this always seemed to me a very strong point in the subject, that to render the alien law unconstitutional, it should appear that it infringed the actual doings of the states upon that subject in which the federal constitution gave them a right to act.

5. I have always heard it asserted, that persons who desired copies of his answers to addresses to be given in evidence when prosecuted under the sedition law, were denied. This, if so, was as unjustifiable as the late refusal of the republican senate, to give Marbury and others copies of their records to be used in a court of law in their favour.¹³⁶

His tax on paper I do not think myself able to speak properly, I am not sufficientl acquainted with the state of the American nation. In the western country and other thin settlements, it was very inconvenient. I am clear that in every free government, there ought to be an internal tax, equal to the civil list expenditure.

¹³⁶ Channing, *Jeffersonian System*, 117-119.

The multitude only thinks as it feels; keeping it from feeling & you keep it very much from thinking too. The present administration is a strong example of this: they have kept the people from knowing that they paid any thing; and by virtue of this infatuating circumstance, have been able to adopt a course of enervation and debility, highly pernicious to the body politic. All the governors and public speakers are crying out "all's well," while the fact is, that we but barely hang together under the shadow of a national government. The exoneration from taxes charms the mass; but it is like the Angel's Book—sweet to the taste, but bitter in its consequences. Taxation is the *placentum* which connects the people to the government. See the deplorable consequence of Mr. Jefferson's blessing.

To supply the deficiency of money a sale of land has been resorted to; so that we, a little nation, are scattered over a whole world. All the administration of Mr. Adams put together, don't weigh against this more than a grain of sand in the scale of worlds. His evils, if such they were, could be remedied by a new set of governors; his public debts could be paid off in a few years; but Mr. Jefferson's tree of evil is an immortal evergreen, planted in the rock of ages. How is it possible to depopulate a country once settled? And who can be so fanciful as to imagine that such a vast territory, set with sovereign states, can remain long together? Who does not remark the insubordinate and democratic diathesis of new countries[?] The national government must either become too powerful and arbitrary, or we must have divisions, which, from the position of land and water, nature says ought never to be.

Mr. Adams' Judiciary bill, was certainly very excellent in my judgment; but it had the misfortune which hung over all that president's doings—it was passed too much in the spirit of party; not that there was any thing in or about it, but was perfectly politic and necessary, but it was passed in an expiring hour, and I have no doubt it was contemplated to provide births [sic] for federal lawyers. This I believe had an influence in the mode of carrying it through; but I am well satisfied it had none in giving the law [57] its features. For were it not for party, I believe all the lawyers of America would agree, that it was a great improvement of the former system.

I view the fate of this bill as a deep and ever to be lamented event: it broke into the sanctity of a character, which our Lycurguses and Solons intended should forever remain in the sacred arcana of the temple, untangible by legislative hands. Mr. Adams pressed this bill a year before very urgently; and one was brought in but failed: this completely acquits the federalists of this being a party scheme; for the tide was then high and still making.

The people were brought out to cry against this law, which certainly not one in a thousand of them could understand any thing about. Of course you must expect to see them positive and intollerant in proportion as they are ignorant. This was very unfortunate. The independence and elevation of judges, is, of all points of government, the most important to the people. The judges are the *only true and natural guardians of their rights*: all the rest of government is little more than moonshine to them.

His adherence to Mr. Gerry,¹³⁷ was perhaps the most consequential act of his time. It disunited and disgusted his friends. The noble virtue of friendship may become a great evil in a chief ruler. It was almost an unpardonable weakness to adhere to him, after a man of his mediocrity of talents suffering himself to be separated from his colleagues even for a day, but to stay behind them *at the request of Talleyrand*—it was an independence never to be forgiven.

The sequel cannot be thought of without feeling the utmost severity toward Mr. Gerry. What an inimitable crisis to display the great man! to make a treaty delightful to all America, save a little junto who were anxious for war at all events! Talleyrand biting his nails to see how he missed the mark—anxious to make a treaty on yielding terms—How does Mr. Gerry face up to this noble conjuncture? Why, he doesn't face up at all; he looks round and finds himself standing alone on the ice, away ever so far from shore, falls into a tremor, disavows to Talleyrand all he had written about his *go-between's* X. Y. & W. [Z.] vows and protests most positively he has had no doings with any woman at Paris; and calls to Mr. Adams for God's sake help me out of the lurch—I got into it on your account—and my compliments to your lady—O Lord, how snivelling! Instead of supporting him, he ought to have borrowed Hotspur's tongue, and cursed himself for moving such a dish of skim'd milk to so noble an action.

¹³⁷ Gibbs, "Administrations of Washington and Adams," Vol. I, 464-468.

Lastly. His crowding into the last hours of his office so many appointments, was very exceptionable; and only to be accounted for by the soreness and resentment he felt at the calumnies by which he had lost his office. He ought to have proceeded in his appointments exactly as though he was to remain in office for years. Mr. Jefferson told me he considered all Mr. Adam's doings after the 14th of February, when he knew he was to leave the office, as nought. I thought the idea a very bad one, and the result of party feeling; but I did not say any thing, because a little before he had been shewing me his horse, and said he was the best in America. I looked a thousand 'no's—one I guardedly expressed; but he glanced toward me such a look of *astonishment*, that I did not wish to put an end to all further conversation by disapproving his idea as to appointments; for it was my object to see the man's mind in action.

There are many offices which cannot be vacant one day without public inconvenience; collectors and inspectors of ports are of these. [58]

So much for the administration of this upright man, which happened at a troubled season, and was supported with good intentions and great exertions, but without a sufficient portion of temperance, discretion or judgment.

President Jefferson.

WHOEVER attempts to speak with exact justice about this man, will be accused of most inveterate malice and bitterness.

This man is a friend to this country, and before the constitution was adopted he thought rightly in many respects of her interest, and if he outlives his official engagement seven years, will think rightly of her interests again. But he has long since made his judgment play the whore to his ambition; for I have no doubt he has been intriguing through the instrumentality of the vilest printers and tools for the place he now fills almost ever since the constitution was adopted; and that the character given me of him by the ever to be lamented Hamilton, is that which the historian of the next age will give him—"that he was a man as fond of place and power, and as great a hypocrite as ever lived."

I don't allude to his machinations against president Washington, and keeping certain printers practising against him—I

would rather note things within my own time and memory—letter to Mazzei¹³⁸ for instance, at the time he was making that remarkable address to mr. Adams, and praying God that no event might call him to the presidency—at a time when he was caressing general Washington as a father. At the time when he was in closest intimacy with mr. Adams, he was paying that cut-throat Calender¹³⁹ to write *the Prospect*. Monstrous!

For my own part I do not consider his hypocrisy as flowing from any positive wickedness of heart, I am confident, that it is a native, constitutional, inherent duplicity, which he could no more avoid than Washington could conquer the unity of his mind. His writings convince me of this. A duplicity of style is seen in every line of that man's pen on politics. He is unlike any other man of that cast I have remarked; for it is generally the case that a man with two tongues, only speaks with one at a time, and to one party at a time. But mr. Jefferson never speaks in public with less than two tongues at once, and occasionally employs to the amount of four. Look at the inauguration speech—the prettiest composition in the world, only that it contains nothing at all, and yet like a piece of holy writ, it fitted all parties—Look at his communications ever since, particularly of 1805, and that about Burr last winter.

He came to the helm at a moment as fortunate for his fame as Adam's leaving it was unfortunate for his. Peace was just made with France—the navy was to be sold off—the army just disbanded.¹⁴⁰ It seemed as if he stepped on the theatre and all the disagreeable objects disappeared in a moment; never was a crisis more fortunate for a man who built his face upon oeconomising. He set himself to pay off the public debt, an undertaking most laudable certainly if ever one was attempted in this country. May he enjoy all the fame he wished in this—far be it for me to withhold my mite of it—I never gave one more freely. No engine ever yet discovered works so variously or so formidably as a national debt. I wish to see no [59] artificial influence in government.—Here my applause stops, for I can safely say I don't approve one other measure of his administration.

¹³⁸ *Jefferson's Writings* (Ford's Ed.), VII, 165.

¹³⁹ *Ibid.* VIII.

¹⁴⁰ The army was ordered dismissed March, 1800, by Congress. It was a blow to the extreme Federalists.

1st. He abolished all the internal taxes¹⁴¹—here his passion for fame led him beyond the measure of his candor and judgment; the people thought it was wonderful. It was never recollect ed that he was able to do much with the funds left by mr. Adams, and able to cut up and turn many of his old cloaths so as to make them look as good as new, to wit: his arrearages of old internal taxes—the sales of his ships of war—sale of all our shares in the bank; these added together made a vast sum—then the sale of lands which was spoken of above; public expenditure had formerly been rather prodigal, now it was nigardly. Every thing that would call for money failed; even the laws could not be printed and distributed.

2d. One measure I never think on without indignation: a part of congress felt anxious to see some statue or monument of our father Washington at the capitol; as soon as it was mentioned, instead of saying in a manly manner, we don't approve of it, or cant afford it, or let it be put off for some years, they insiduously crowded in a great number of similar motions so as to annex weight enough to the subject to sink it—and so it did.

3d. All however would not do; a despicable imposture was to be resorted to, to help out the government—now would any man ever guess what it was? When mr. Jefferson came in and abolished these taxes, a war was depending in the Mediteranean—
NOW WONDERFUL TO BE TOLD! One frigate was lost in the Mediteranean—what was the consequence?—A NEW TAX was to be had—none of your abominable whiskey tax, or stamps, whereby the people are strained and pressed to the dust to raise \$700,000. O no—it was only a little temporary contribution christened Mediteranean fund of \$1,100,000.¹⁴² O masterly financier! how the fame of Colbert and Pitt falls before thee! Their names die away on the page of history. The loss of one frigate was an event so wholly beyond your calculations that all your system of finance was deranged by it. In what a superior style your excellency would have led France through the calamities of the Nile and Trafalgar. No, countrymen, here you see this man's characteristic devotion to appearances; had this event not have happened he would have got the same fund by affecting that we were threatened with a quarrel by the emperor of Morocco, or the pacha

¹⁴¹ An income of \$900,000 was cut off by this act. *McMaster, II, 615.*

¹⁴² *Adams, Hist. of U. S., Vol. II, 141.*

of Acre, or that the war in the Mediteranean had been prolonged unexpectedly.

4. Now after all this I will name to you two acts of the public oeconomy, which have come to my own knowledge, and from these you can guess the general course of affairs.

The governor of Indiana had represented to the former administration, that two men of the name of Williams, and one Crutchelon of Breckinridge county (a frontier settlement) had been guilty of murdering some Indians on Oil-creek in an atrocious manner. Process to apprehend them had been ordered, one of them was taken, but in consequence of an outrageous meeting which took place on behalf of the culprit at Breckinridge Court-house, the man got away. When mr. Jefferson came in, the secretary at war ordered me to pursue this matter.*¹⁴³ Process was issued and the mar[60]shal summoned a guard of nine men to go with him, but in consequence of the vigilance of the people in the neighborhood the man got away just as the marshal came in sight of him. The secretary *refused to pay the guard*, tho' allowed by the judge to be reasonable, and tho' I wrote also the state of the country there, and the sensibility of the people in favor of a man who had *only killed an Indian*. The marshal was likely to suffer the whole weight of the cost himself, till after many turns and applications it was paid off, except about \$50, as he tells me. But he was so jeopardised that he has often assured me he would never dare summon a guard of any kind again unless ordered by the secretary. This is oeconomy.

5th. The next is this:—Colonel Lewis of Albemarle, mr. Munroe's agent for his private affairs, told me that mr. Munroe had to set off on his ministry to Europe, *without one dollar of outfit*.¹⁴⁴

Now does any candid man really think that this sort of oecon-

* General Dearborne enclosed me Mr. Lincoln's opinion in writing, with orders to prosecute the leader of the riot under the common law. I wrote back to the secretary, reminding him of the public heat his party had raised about the common law, and desiring to be instructed before court whether I should go on. No orders came, and I indicted the man, but stated to the court my own opinion of the want of jurisdiction. The court dismissed it. Before the court was over, the post brought Gen. Dearborne's letter forbidding me to proceed.

¹⁴³ Note in the original pamphlet.

¹⁴⁴ Writings of Monroe (Hamilton's Ed.), Vol. IV, letter of March 15, 1804

omy is to characterise the courts of a national government, or is it not manifestly intended for a few years, for a temporary eclat? A president comes in by and by who thinks as the leader of a nation ought; he cant go on this way, and if he takes any other, it is at once cried out, "ah! had we but Jefferson again, he did without all internal taxes, why can't it be so now?" Although every intelligent man must see that such oeconomy would in a few years produce the most deplorable national poverty and debility.

6. Another event about this time is particularly worthy of remark. When mr. Adams was on the point of a war with France, it was understood that an alliance with England was intended, to get the benefit of *her fleet*. Is there a man living here who does not recollect how the alarm bells were rung night and day from Savannah to Portland to rouse the people to repel this project.(?) I cant venture to state the number of resolutions I have seen deprecating *any connection* with the corrupt and tottering monarchy of Great Britain." Well now a war with Spain, perhaps France too, seemed to become probable. Which of you dont know that from the president himself down to the faintest democratic *echo*, an alliance with England was openly avowed as the true policy of government. Surely this ought to have opened the people's eyes. From the time the ruling powers came in, they had adopted all the politics and deportment toward England which they had been teasing the people to curse at for twelve years before, but now they had reached the *maximum* of contradiction and absurdity.

7. Next came the admirable bargain for the other half of the world at \$15,000,000, I should gladly give as much more to have it (except the island of Orleans) converted into an uninhabited desert. Our country should never stretch beyond the Mississippi, except to work the lead mines of Upper Louisiana. To have a desert for a frontier there would be very desirable but we all know this will not be the case. The American is like the wild-bee, nothing but the limits of the empire can stay his wondering.

8. His policy as to aliens, seems to me pregnant with great evils. America could very well fill up now with her own natural increase; & the migration of foreigners, especially when naturalized, keeps the community in a very perturbed fermenting condition. See what a stock of Jacobin leaven Pennsylvania has re-

ceived into her mass; New York [is] coming on very fast in the [61] same way. I disapprove the whole policy of our government, on this subject at all times. Naturalization should never come by statute, nor otherwise than a man's being born here. If you will receive foreigners, let them have full right to buy and dispose of, inherit or transmit property, with all the benefits of our laws and courts; but let them have no hand in our government—let none but a natural born citizen hold an office, or have any hand in editing, printing or conducting a news-paper. If the constitution compels us to have a law of naturalization, I approve the longest and most difficult course.

Then I come to a collection of acts of the same cast.

9. The abolition of the bankrupt law.
10. Attempt at the mint.
11. Judiciary Bill.
12. Attempt to recede Columbia.
13. Enmity and declaration of all Federal Courts.

This points clearly, Countrymen, what these people aim at: to immolate the national government, to leave nothing but a name and a confederacy, such perhaps as has been seen at times among the Italian states, or in Switzerland, or in Holland, each of which has in turn fully proved that the weakness of government is the utmost curse that can befall a people.

My opinion is that instead of taking away those laws, which tend to nationalize us, many others are pressingly necessary to be made national; particularly—

- The Law of Inheritance.
- The Law of Dower.
- The Law directing the mode of conveying lands.
- The Law as to Powers of Attorney.
- The Law of Crimes.
- The Law pointing out the mode of proceeding in Civil Cases.
- The Law limiting the times of bringing suits.

If such laws as these should be adopted for the Federal Courts, which in some degree they might, the people would in time see the great advantage of having the whole Civil and Criminal Code national and universal; and perhaps be brought to consent that there should be but one constitution for America, which should

provide for a national government and state governments—the states to flow out of the nation [,] to be no longer sovereign, and only to rule their local police.

14. One of the most remarkable points of Mr. Jefferson's statesmanship still remains to be mentioned. He draws all his revenue from commerce, yet determines that no protection is to be afforded that great source of national prosperity. I don't know what the fashionable course of speech is now; but when I mingled last with these new lights, it was in every one's mouth, "Let commerce defend itself—let it be defended by insurance." This sounds very well at first hearing, but when you come to examine it, nothing can be more absurd. What is it to the nation, whether the merchant or the insurance company, loose the value of the ship and cargo? So much is lost to the nation. If I insure my ship and she is taken, I get paid by the insurers; but who indemnifies them? So much is gone forever from the aggregate of American wealth. Now if we all insured in some foreign country, then indeed no loss to America would accrue, supposing that the sufferer always got *certain* and *speedy* indemnification; but as much delay and difficulty attends a claim of this kind ever at home, few will choose from motives of general national policy to insure beyond the Atlantic. As [62] a part of this same system it is determined to let our ports and harbours defend themselves, while it is desired to get the constitution altered, that a new disposition of treasure may be made on schools, which of all public objects, require least the fostering hand of government in America, where the pride of and passion for learning and the means of gratification are so universal. The proportion of learned men may be too great for the labourers in the community. Few of us have any well founded fears, that it will fall short in a country where the cultivation of letters is so universal as ours. You will say that we do not cultivate the high and elevated branches. I answer, we cultivate that which suits us, and which corresponds to our age and national condition; when a better sort is in requisition we will have it.

Countrymen, when will be the probable termination of this policy as to our sea ports? To me it seems that the least result is, that we must truckle to any and every European power that chooses to insult us, and humbly beseech them, to refrain from abusing us, and to make us amends for past losses—this is the

least: the worst is, that one of their fleets enters our ports and lays our cities in ashes. One ship of war could sweep 1000 miles of our coast. We have been very vociferous for restraining the usurpations of England at sea—so have other weak powers been. Do you recollect the result of an attempt of this kind in 1801, when lord Nelson entered the Baltic? Do you recollect the visit he made Copenhagen? How would New-York and Norfolk receive such a visitant? New York is hastening to be the focal point of American commerce—it is very much so now—the most important, the most flourishing, and the most exposed city on the continent. The burning of that city would bankrupt half the merchants of America. Yet these people who have been threatened and insulted—who can't sleep in quiet for their apprehensions, are suffered to remain thus exposed, while the president is hatching up phantoms to engage the attention and energies of the nation. One of their people has been shot down before their eyes. What was done? A hue and cry ordered after the man who had gone to the British territories. Despicable mockery! You say he could do nothing. Then, I pray you, order matters so, that something can be done the next time.

In short, Countrymen, this statesman's course is pointed to quench the military spirit, and to make us a nation of wise men and tributaries.

Small matters at times, give us intelligence of the views of a public man. Among such the abolition of the levee has been to me remarkable. Is there a man who knows any thing about it, and imagines that Mr. Jefferson thinks the levee only for parade and show, or otherwise than an institution of pressing necessity. Throughout the year he is exposed to continual interruptions; but during the session of Congress he has scarce a moment of day light to call his own. Nothing but extreme exertions and privations of rest could enable him to do his business. And why does he suffer this? Because in the former times the levee was called a parade of state—like monarchy—an affectation of grandeur—this man and his party abused it, and from a wish to impress you with the idea, that “old things are passed away, and all things are become new,” he submits to bear up under such a load of interruption and ceremony, as scarce a tavern keeper could endure; and which with four men of five would end in a sacrifice of public business.

To sum up:—This man's whole merit as a chief, consists in one chapter of finance—that of oeconomy;—even there he requires some check to keep him within bounds: in every other branch of politics he is a boy. His [63] ambition to drive the car of the sun is very great—it is unsurpassed; but he has neither judgment to steer his way, nor nerves to hold the reins, when the carriage approaches the high plains of the zenith.

If money can buy out his difficulties, he'll go on very well as long as he leads congress by the nose; but the moment the people stop and call to him to lead, instead of following them, *he's all in the suds*. He is an excellent secretary of state—his fine talent for composing, uncommon pretty—for putting a good face on things is unmatched. He can dress up *nothing at all* so as to strike and astonish the multitude with its magnitude and momentousness.

To seem and not to be, is the foundation of the man's character. He has thought to creep up to his present elevation so craftily as to cheat the historian, to hoodwink fame; but how can this be done by a man so unequal to times of trial, by a chief during whose day the mass of American talents have been kept in exile.

Extracts From Ellicott's Journal.

First extract, page 97.—“In case of a rupture with the United States, the officers of his Catholic Majesty calculated largely upon the effects of their intrigues, and the money they had expended in the states of Kentucky, Tennessee, and other districts west of the Allegany Mountain[,] for the purpose of detaching the inhabitants from the union. These intrigues as far as I was able to discover, appeared to have originated with mr. Gardouque [Mr. Gardauqui], at the time he was his Catholic Majesty's minister to the United States.”

Second ex. page 132.—“While at that place (Darling's-creek)[,] by a very extraordinary accident, a letter from the Governor General, on its way to a confidential officer in the Spanish service[,] fell into my hands for a few hours.

This letter contained the most unequivocal proof, of the late existence of a plan[,] calculated to injure the United States,[:] but which appeared then to be abandoned, and in which a number of our citizens had been actually engaged. From this letter it was rendered evident, that the suspicions of the late General Wayne respecting an improper correspondence being carried on between the officers of his Catholic Majesty, and some gentlemen residing in the western part of the United States, were well founded; but it was equally certain[,] that he was mistaken in several cases[,] as to the individual objects of his suspicion. It is likewise a fact[,] that the dispatches, and nearly twenty thousand dollars in silver[,] to be paid to certain characters were on board of the boat from New-Orleans, which was taken by his order, and examined by lieutenant [Lieut.] Steele, [Steel;] but the articles were overlooked.[!] The interesting parts of the above mentioned letter[,] were reduced to cypher, and accompanied my dispatches of November the 8th, 1798 to the department of state."

Third ex. page 197.—"Although those documents concerning mr. Hutchens, [mr. Hutchins] must be conclusive with every person who reads them, they are not more so[,] than those I saw relative to the plan already mentioned, for the effecting of which a number of our citizens received considerable sums of money from the Spanish government; the difference is, I am not yet at liberty to make the same use of them." [64]

Affidavit Alluded To In The Preceding Part Of The Pamphlet.

ON Wednesday, about noon, on the fifth inst. J. H. Daveiss, Esq. attorney of the U. S. for the above district, rose, and addressing the court, said that he had a motion to make of the utmost magnitude and extraordinary nature, and which regarded to welfare of the union at large—that the unhappy state of his health alone, had prevented him from making it on the first day of the term—that he should ground his motion on an affidavit which he would present to the court. He then made oath to the following affidavit:—

UNITED STATES OF AMERICA.

KENTUCKY DISTRICT Sct.

J. H. Daveiss, attorney for the said United States, in and for said district, upon his corporal oath, doth depose and say, That the deponent is informed, and doth verily believe, that a certain Aaron Burr, Esq. late vice-president of the said United States, for several months past, hath been, and is now engaged in preparing, and setting on foot, and in providing and preparing the means, for a military expedition and enterprise within this distract, for the purpose of descending the Ohio & Mississippi therewith, & making war upon the subjects of the king of Spain, who are in a state of peace with the people of these U. States—To wit: on the provinces of Mexico, on the westwardly side of Louisiana, which appertain and belong to the king of Spain, an European prince with whom these United States are at peace.

And said deponent further saith, that he is informed, and verily believes, that the above charge can be, and will be fully substantiated by evidence, provided this honorable court will grant compulsory process to bring in witnesses to testify thereto.

And the deponent further saith, that he is informed, and verily believes, that the agents and emissaries of the said Burr, have purchased up, and are continuing to purchase, large stores of provisions, as if for an army; while the said Burr, seems to conceal in great mystery from the people at large, his purposes and projects, and while the minds of the good people of this district, seem agitated with the current rumour that a military expedition against some neighbouring power, is preparing by said Burr.

Wherefore, said attorney, on behalf of the said U. S. pray, that due process issue to compell the personal appearance of the said Aaron Burr, in this court; and also of such witnesses as may be necessary on behalf of the said U. States; and that this honourable court, will duly recognise the said Aaron Burr, to answer such charges as may be prefered against him in the premises; and in the meantime, that he desist and refrain from all further preparation and proceeding in the said armament within the said U. States, or the territories or dependencies thereof.

J. H. DAVEISS, A. U. S.

Having read this affidavit the attorney proceeded in the follow[ing] words:—

The present subject has much engaged my mind. The case made out is *only* as to the expedition against Mexico; but *I have information on which I can rely, that all the western territories are the next object of the scheme—and finally, all the region of the Ohio is calculated as falling into the vortex of the new proposed revolution.*

